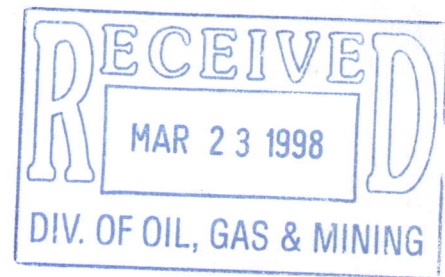


Wayne Hedberg  
Utah State Department of Natural Resources  
Division of Oil, Gas, and Mining  
Mineral Reclamation Program  
1594 West North Temple Suite 1210 Box 145801  
Salt Lake City, UT 84114-5801



Dear Mr. Wayne Hedberg,

March 19, 1998

Here is a copy of the complete packet for the Foothills Canyon Overlay Zone. I have also enclosed a copy of the S-1-G Residential Zone that deals with sand and gravel. Another thing that might be helpful is to get a hold of the uniform building code. You could obtain that from the Building Inspections that is in the Development Services Division. Their number is 468-2162. You might want to just check to see if they feel there is anything in the Uniform Building Code that would pertain to mineral excavation.

Sincerely,

Stefanie M. Simmons,

Planning Division Secretary

## Chapter 19.42

## S-1-G RESIDENTIAL ZONE

## Sections:

19.42.010	Purpose of provisions.
19.42.020	Permitted uses.
19.42.030	Conditional uses.
19.42.040	Lot area.
19.42.050	Lot width.
19.42.060	Front yard.
19.42.070	Side yard.
19.42.080	Rear yard.
19.42.090	Building height.

**19.42.010 Purpose of provisions.**

The purpose of the S-1-G zone is to permit extraction of gravel and similar natural resources in the county. (Prior code § 22-11-1)

**19.42.020 Permitted uses.**

Permitted uses in the S-1-G zone include:

— Agriculture. (§ 1 (part) of Ord. passed 2/1/84; prior code § 22-11-2)

**19.42.030 Conditional uses.**

Conditional uses in the S-1-G zone include:

- Golf course;
- Mine; quarry; gravel pit; including crushers, concrete batching plants used in connection with and as a part of an operation for the removal of sand or gravel from the parcel of property upon which the crusher or batching plant is installed, but expressly excluding an asphalt plant or any type of oil or asphalt emulsion mixing operation. Excavations are permitted only under the conditions outlined in the Salt Lake County excavation ordinance;
- Nursery and/or greenhouse, excluding retail sales;
- Public and quasi-public uses;
- Recreation, commercial;
- Residential facility for elderly persons;
- Single-family dwelling;
- Temporary buildings for uses incidental to construction work, which buildings must be re-

moved upon the completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction work and thirty days after notice, the buildings will be removed by the county at the expense of the owner. (Ord. 1200 § 4 (part), 1992; prior code § 22-11-3)

**19.42.040 Lot area.**

The minimum lot area in the S-1-G zone shall be not less than one-half acre. (Prior code § 22-11-4)

**19.42.050 Lot width.**

The minimum width of any lot in the S-1-G zone shall be one hundred feet, at a distance thirty feet back from the front lot line. (Prior code § 22-11-5)

**19.42.060 Front yard.**

In the S-1-G zone, the minimum depth of the front yard for main buildings, and for private garages which have a minimum side yard of ten feet, shall be thirty feet, or the average of the existing buildings where fifty percent or more of the frontage is developed, provided that in no case shall the front yard be less than twenty feet or be required to be more than thirty feet. All accessory buildings, other than private garages which have a side yard of at least ten feet, shall be located at least six feet in the rear of the main building. (Prior code § 22-11-7)

**19.42.070 Side yard.**

In the S-1-G zone, the minimum side yard for any dwelling shall be ten feet, and the total width of the two required side yards shall not be less than twenty-four feet. Other main buildings shall have a minimum side yard of twenty feet, and the total width of the two required side yards shall be not less than forty feet. The minimum side yard for a private garage shall be ten feet, except that private garages and other accessory buildings located in the rear and at least six feet away from the main building may have a minimum side yard of one foot, provided that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side

yard which faces on a street for both main and accessory buildings shall be not less than twenty feet, or the average of existing buildings where more than fifty percent of the frontage is developed, but in no case shall the side yard be less than twenty feet. (Prior code § 22-11-6)

**19.42.080 Rear yard.**

In S-1-G zones, the minimum depth of the rear yard for any building shall be thirty feet, and for accessory buildings one foot; provided that, on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard. (Prior code § 22-11-8)

**19.42.090 Building height.**

A. Except as otherwise specifically provided in this title, no building or structure shall exceed the following height:

1. Thirty feet on property where the slope of the original ground surface exceeds fifteen percent or the property is located in the hillside protection zone. The slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet;

2. Thirty-five feet on other properties;

B. No dwelling structure shall contain less than one story. (Ord. 1237 § 3, 1993)

Chapter 19.75 of the Salt Lake County Code of Ordinances, 1986 is amended by revising Section 19.75.070 to read as follows:

Section 19.75.070      Review of Reports - Approval Procedures

- C.      ~~Whenever~~ The County Geologist and other retained experts in their review of the report, and the Planning Commission or Development Services Director in their consideration of the development, shall determine whether the development complies with the following standard:  
~~determines that an area is subject to natural hazards which~~
- a.      The development does not present an unreasonable risk to the safety of persons or property, (including public streets), or to the aesthetics and natural functions of the landscape (e.g., drainage, wildlife habitat, etc.) Because of the presence of natural hazards.
- b.      At the Planning Commission's discretion, with advice from the county geologist, such area shall not may be approved for development unless the applicant can demonstrate that such a if the applicant submits substantial evidence that, using best available practices, the identified risk hazards can be mitigated to a level where the risk to human life and damage to property, as well as the risk to the aesthetics and natural functions of the site, are reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

Title 18 of the Salt Lake County Code of Ordinances is amended by adding a new Section 18.20.025 and revising Section 18.12.010 as herein indicated;

Section 18.20.025      Design Standards for Subdivisions Located in the Foothills and Canyons Overlay Zone.

- A.      Design Shall Further Purposes & Goals of Overlay Zone. In subdivisions proposed for development in the Foothills and Canyons Overlay Zone ( see Chapter 19.72 of the Zoning Ordinance ), the general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of the Foothills and Canyons Overlay Zone.
- B.      Consider/Apply Zoning Development Standards. Applicants shall consider and apply the development standards set forth in Chapter 19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (see paragraph C below) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
- C.      Designations of Buildable Areas. All preliminary and final subdivision plats shall outline buildable Areas on each lot intended to accommodate planned principal and accessory structures.
- D.      Clustering of Lots. Clustering of lots within a subdivision is strongly encouraged and may be required by the Planning Commission to meet the requirements of this provision and the overlay zone.



A.

3. Properties Located in the Foothills and Canyons Overlay Zone.

In addition to the preceding, the preliminary plat for subdivision of a property located in the Foothills and Canyons Overlay Zone shall show:

- a. A graphic depiction of existing slope characteristics of the property, illustrating the following:
  - 1. areas with slopes less than thirty (30) percent,
  - 2. areas with slopes thirty (30) to forty (40) percent,
  - 3. areas with slopes forty (40) to fifty (50) percent, and
  - 4. areas with slopes greater than fifty (50) percent.
- b. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.
- c. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.
- d. Areas of known high water table occurrence or flooding potential.
- e. Significant trees and vegetation.
- f. Wildlife habitats designated as "critical summer/winter use" as shown on adopted County Wildlife Habitat maps.
- g. Identified wildlife migration corridors and routes.

4. Proposed Subdivision Plan. The subdivision plan shall show:

- b. The layout, numbers and typical dimensions of lots, and in areas subject to Foothills and Canyons Overlay Zone provisions, designation of buildable areas on individual lots.  
( subsequent provisions to be re-numbered as necessary)

Chapter 19.75 of the Salt Lake County Code of Ordinances, 1986 is amended by revising Section 19.75.070 to read as follows:

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- b.      At the Planning Commission's discretion, with advice from the county geologist, such area shall not may be approved for development unless the applicant can demonstrate that such a if the applicant submits substantial

evidence that, using best available practices, the identified risk hazards can be mitigated to a level where the risk to human life and damage to property, as well as the risk to the aesthetics and natural functions of the site, are reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

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- B.      Consider/Apply Zoning Development Standards. Applicants shall consider and apply the development standards set forth in Chapter 19.72 in (1) the layout of the subdivision and (2) the designation of buildable areas on individual lots (see paragraph C below) in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.

- C.      Designations of Buildable Areas. All preliminary and final subdivision plats shall outline buildable Areas on each lot intended to accommodate planned principal and accessory structures.

- D.      Clustering of Lots. Clustering of lots within a subdivision is strongly encouraged and may be required by the Planning Commission to meet the requirements of this provision and the overlay zone.

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- a. A graphic depiction of existing slope characteristics of the property, illustrating the following:
  1. areas with slopes less than thirty (30) percent,
  2. areas with slopes thirty (30) to forty (40) percent,
  3. areas with slopes forty (40) to fifty (50) percent, and
  4. areas with slopes greater than fifty (50) percent.
- b. Identified natural hazards, including but not limited to, areas potentially subject to avalanche, liquefaction, and/or surface fault rupture.
- c. Water courses, natural drainage channels, storm water runoff channels, gullies, stream beds, wetlands, etc.
- d. Areas of known high water table occurrence or flooding potential.
- e. Significant trees and vegetation.
- f. Wildlife habitats designated as "critical summer/winter use" as shown on adopted County Wildlife Habitat maps.
- g. Identified wildlife migration corridors and routes.

4. Proposed Subdivision Plan. The subdivision plan shall show:

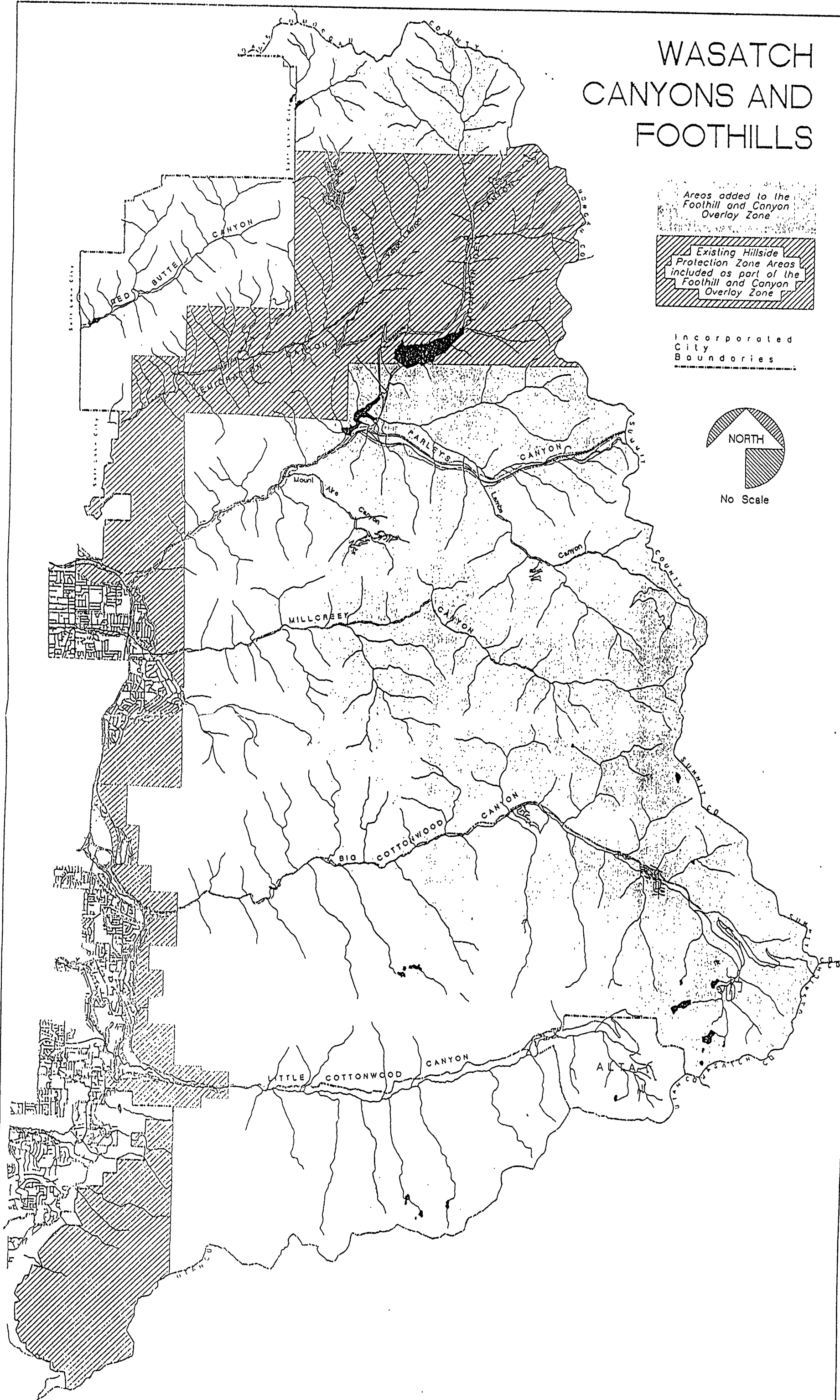
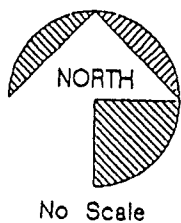
- b. The layout, numbers and typical dimensions of lots, and in areas subject to Foothills and Canyons Overlay Zone provisions, designation of buildable areas on individual lots.  
( subsequent provisions to be re-numbered as necessary)

# WASATCH CANYONS AND FOOTHILLS

Areas added to the  
Foothill and Canyon  
Overlay Zone

Existing Hillside  
Protection Zone Areas  
included as part of the  
Foothill and Canyon  
Overlay Zone

Incorporated  
City  
Boundaries

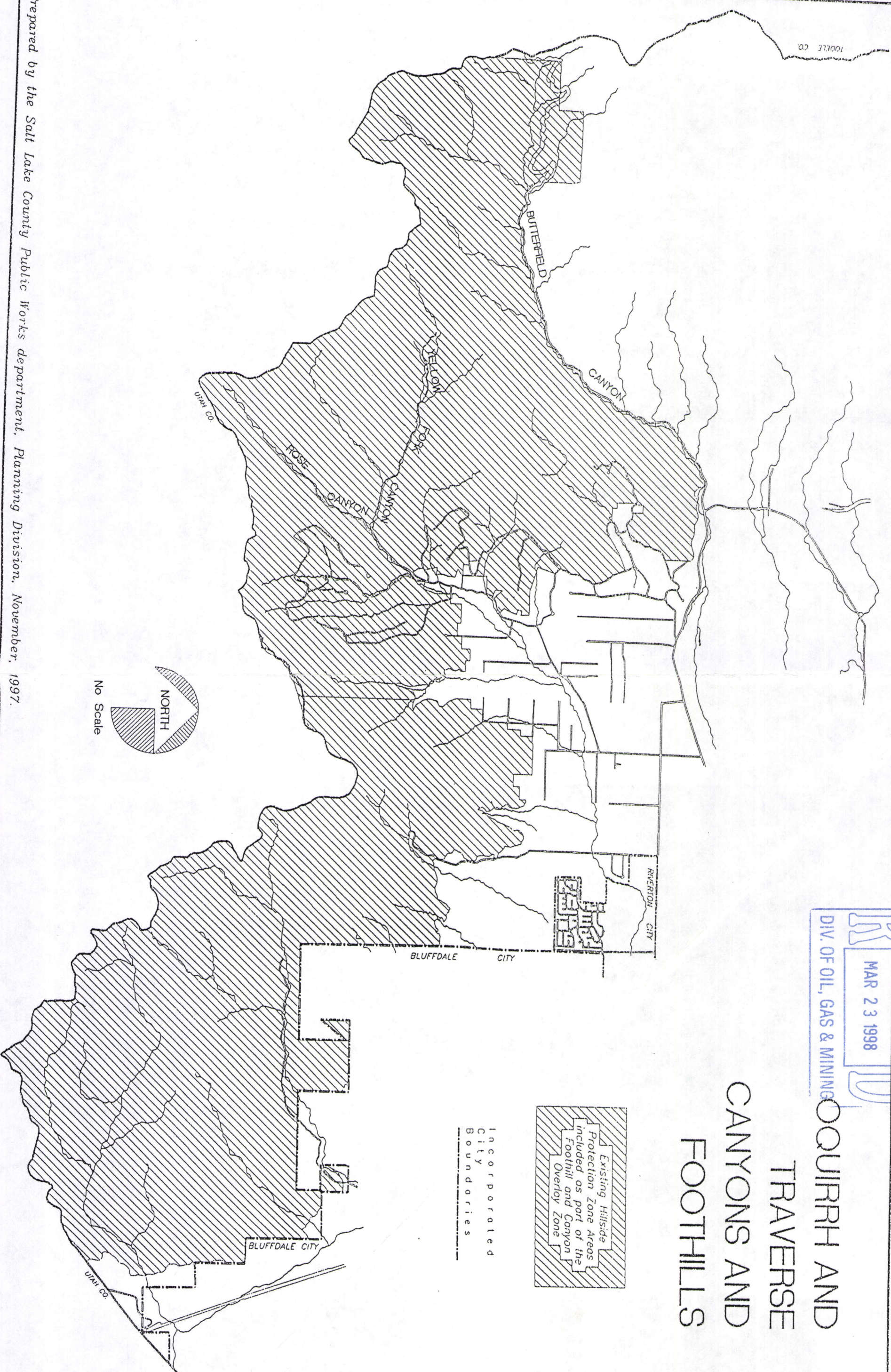




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DIV. OF OIL, GAS & MINING

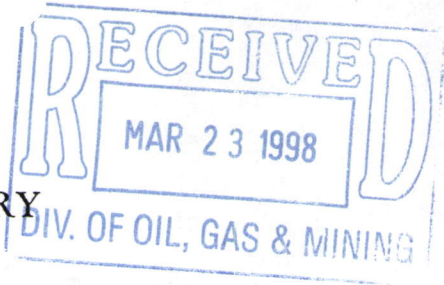
# COQUIRRH AND TRAVERSE CANYONS AND FOOTHILLS





2-5-98

Chapter 19.10  
FM-10 AND FM-20 FORESTRY  
MULTIFAMILY ZONES



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#### **19.10.010 Purpose of Provisions**

The purpose of the forestry multifamily zones is to permit development of certain areas in the foothill and canyon areas of the county for high-density residential, limited commercial, and other specified uses to the extent that such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations. (Prior code 22-9B-1)

#### **19.10.020 Permitted Uses**

The following uses are permitted in the FM-10 and FM-20 zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to permitted use.
- B. Agriculture, as defined in Section 19.04.020.
- C. Home day care/preschool for 6 or fewer children subject to the conditions set forth in Section 19.04.293.
- D. Class B beer outlet.
- E. Residential facility for elderly persons.
- F. Restaurant liquor license.
- G. Single-family dwellings.
- H. Wireless telecommunication facilities, provided:
  - 1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility; and
  - 2. The facility is mounted on a non-residential building ; and
  - 3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan; and
  - 4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. 1200 5 (part), 1992; Ord. 1179 4, 1992; 1 (part) of Ord. passed 2/1/84; prior code 22-9B-2)

#### **19.10.030 Conditional Uses**

The following conditional uses are subject to the requirements of this chapter, and subject to the conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and this section:

- A. Accessory uses and structures customarily incidental to a conditional use.
- B. Apartments, boardinghouse; lodging house, hotel; motel; resort hotel.

- C. Bed and breakfast homestay, provided that:
  - 1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year; and
  - 2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Salt Lake City-County Health Department prior to issuance of a license.
- D. Bed and breakfast inn, which may include a restaurant and conference rooms.
- E. Class C beer outlet.
- F. Commercial and private recreation.
- G. Day care/preschool center subject to the conditions set forth in Section 19.76.260.
- H. Dwelling group, provided:
  - 1. The parcel of ground on which the dwelling group, as defined in §19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group;
  - 2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards.
  - 3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative landscaping adjacent to the buildings in appropriate locations; and
  - 4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Salt Lake City-County Health Department.
- I. Home day care/preschool with no less than 7 and no more than 12 children, subject to the conditions set forth in Section 19.04.293.
- J. Living quarters for persons employed on the premises of any main use.
- K. Office incidental to main use.
- L. Package agency.
- L. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned unit development."
- M. Private nonprofit locker club.
- N. Public and quasi-public uses.
- O. Restaurant, boutique, gift shop, and other limited commercial uses determined by the Planning Commission to be of the same character as these listed and serving the needs of the visitors and residents of the canyons.
- P. Short term rentals, provided that:
  - 1. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year; and
  - 2. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire



year, and are approved by the Salt Lake City-County health department prior to issuance of a license.

- Q. State store.
- R. Temporary structures.
- S. Two-family dwelling; three-family dwelling; four-family dwelling; multiple-family dwelling.
- T. Wireless telecommunication facilities, as that term and all related terms are defined in §19.83.020, provided:
  - 1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited; and
  - 2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code; and
  - 3. The facility complies with the requirements for development set forth in the Foothills and Canyons Overlay Zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance; and
  - 4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings; and
  - 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities; and
  - 6. The maximum height for monopole facilities shall be sixty (60) feet; and
  - 7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and
  - 8. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

Ord. 1198 6(part), 1992; Ord. 1179 6(part) 1992; Ord. 1115 2(part), 1990; Ord. 1088 4(part), 1989; Ord. 1008 3(part), 1987; prior code 22-9B-3)

#### **19.10.040 Lot Area, Lot Width, and Slope**

- A. Minimum lot area: One-half (½) acre.
- B. Minimum lot width: One hundred (100) feet.
- C. Lots fronting on cul-de-sacs--lot width. The minimum lot width of any lot fronting on a cul-de-sac, partial cul-de-sac, or oblique angle-curved street from which the lot lines radiate shall be measured at a distance of fifty (50) feet from the front lot line.

- D. Slope Requirements: All development in the FM zones shall be subject to the slope protection standards set forth in the Foothills and Canyons Overlay Zone, §19.72.030.B., "Slope Protection Standards" and §19.72.030.D., "Streets and Roads."

(Ord. 966 2, 1986: prior code 22-9B-4)

#### **19.10.050 Limits of Disturbance/Setbacks**

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance and setbacks for developments in the FM zones shall be determined on a case-by-case basis by the Development Services Director. (see Chapter 19.72) All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the Foothills and Canyons Overlay Zone, §19.72.040, "Establishment of Limits of Disturbance."

(Ord. 982 12, 1986: prior code 22-9B-5)

#### **19.10.060 Building Height**

- A. Conditional Uses--Case-by-Case Determination. Because of the unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the foothills and canyons, the allowable height of conditional use structures in the FM-10 and FM-20 zones shall be determined on a case-by-case basis by the Planning Commission, subject to consideration of the following criteria:

1. Protection of the natural setting;
2. Relationship to other structures and open spaces;
3. Contour intervals and topographic features;
4. To the maximum extent feasible, the building height should not exceed the height of surrounding trees and vegetation;
5. Protection of scenic vistas, especially views from public rights-of-way and public lands; and
6. Other elements deemed appropriate to ensure that the provisions of Section 19.10.010 are met.

- B. Multi-Family Residential Conditional Uses--Maximum Height. Notwithstanding the case-by-case determination permitted by this section, the maximum height of a residential conditional use in the FM zones shall not exceed one-hundred (100) feet.

- C. Single-Family Dwellings. Except as otherwise specifically provided in this Title, single-family dwellings shall not exceed the following heights:

1. Thirty (30) feet on property where the original slope exceeds fifteen (15) percent or the property is located in the Foothills and Canyons Overlay Zone.

For purposes of this section, slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the single-family dwelling. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the single-family dwelling. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five (35) feet for single-family dwellings on all other properties.
3. No single family dwelling structure shall contain less than one story.  
(Ord. 1237 4(part), 1993; Ord. 1102 3, 1990; prior code 22-9B-6)

#### 19.10.070 Density of Development

- A. Residential Uses Other Than Single-Family. Maximum density for residential dwelling units, except single-family dwellings, shall be as follows:

<u>Zone</u>	<u>Maximum Density</u>
FM-10	10 dwelling units or 20 guestrooms per net developable acre
FM-20	20 dwelling units or 40 guestrooms per net developable acre.

- B. Net Developable Acreage Defined. For purposes of this section, "net developable acreage" is defined as land with all of the following:

1. Average slope less than thirty (30) percent;
2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface water and groundwater quality;
3. Minimum distance from any stream corridor of one hundred (100) feet, as "stream corridor" is defined in §19.72.070 of this Ordinance (Overlay Zone); and
4. Free from any identified natural hazard such as flood, avalanche, landslide, high water table, and similar features. See Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."  
(Prior code 22-9B-7)

#### 19.10.080 Natural Hazards

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

(Prior code 22-9B-9(1))

#### **19.10.090 Water Quality**

- A. Department of Health Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the FM zones, regardless of size or number of units, the applicant shall receive the written approval of the Salt Lake City-County Health Department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
- B. Developments of More than Nine (9) Lots/Units. Developments of more than nine (9) lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.
- C. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.
- D. Subsequent Changes in Site Plan. If, after City-County Department of Health or Utah Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance changes the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.  
(Prior code 22-9B-9(2))

#### **19.10.100 Grading**

Grading shall be permitted only in conformance with the standards and limitations set forth in the Foothills and Canyons Overlay Zone, §19.72.030.C, "Grading Standards."

#### **19.10.110 Tree and Vegetation Protection**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.030.H., "Tree and Vegetation Protection."

#### **19.10.120 Utilities**

All utilities in the FM zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations."  
(Prior code 22-9B-9(7))

#### **19.10.130 Building Location, Construction, and Design**

All buildings and accessory structures in the FM zones, including single-family and multi-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the Foothills and Canyons Overlay Zone, §19.72.030, "Development Standards," and in Chapter 19.73 of this Title, "Foothills and Canyons Site Development and Design Standards."  
(Ord. 1262 2, 1994)

#### **19.10.140 Off-Street Parking**

- A.. Permitted uses. The Development Services Director or his designee shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 are met, except that the Planning Commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.  
(Ord. 982 14, 1986: prior code 22-9B-9(6))
- B. Conditional uses. The Planning Commission shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 shall be met, except that for hotels and resort hotels one-half (½) parking space shall be provided for each guestroom. The Planning Commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.

#### **19.10.150 Site Development Plan Approval**

Site development plans for all development in the FM zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.050, "Approval Procedure for Developments in the Foothills and Canyons Overlay Zone."

(Ord. 1218 2, 1993; Ord. 982 15, 1986; prior code 22-9B-10)

#### **19.10.160 Applicability to Lots of Record and Waivers from Slope Requirements**

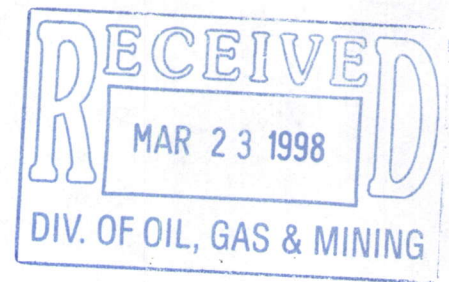
A. Applicable to Lots of Record. All standards and requirements for development in the FM zones as set forth in this chapter shall apply to development on lots that were recorded prior to the enactment date of the ordinance originally adopting said standards and requirements.

B. Lots of Record--Waivers from Slope Requirements. For properties in the FM zones also located in the Foothills and Canyons Overlay Zone (*see* Chapter 19.72), the Planning Commission may waive slope requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060.A. are satisfied.

(Ord. 966 7, 1986; prior code 22-9B-11)

2-5-98

Chapter 19.54  
FA-2.5, FA-5, FA-10 AND FA-20  
FOOTHILL AGRICULTURE ZONES



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#### **19.54.010 Purpose of Provisions**

The purpose of the foothill agricultural zones is to permit the development of the foothill areas of the county for rural residential, limited agricultural, limited animals and other specified uses, to the extent such development is compatible with the natural environment of these areas, particularly the natural slopes, vegetation, and fragile soils. ((Part) or Ord. passed 6/30/82: prior code 22-36-1)

#### **19.54.020 Permitted Uses**

The following uses are permitted in the FA zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations.

- A. Accessory uses and structures customarily incident to a permitted use.
- B. Agriculture, as defined in Section 19.04.020 of this title.
- C. Animals and fowl for family food production, as defined in Section 19.04.235; household pets; a maximum of four horses for private use only.
- D. Home day care/preschool for 6 or fewer children subject to the conditions set forth in Section 19.04.293.
- E. Single-family dwelling.
- F. Wireless telecommunication facilities, provided:
  - 1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility; and
  - 2. The facility is mounted on a non-residential building; and
  - 3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan; and
  - 4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. 1179 5(part), 1992; (Part) of Ord. passed 6/30/82: prior code 22-36-2)

#### **19.54.030 Conditional Uses**

The following conditional uses are subject to the requirements of this chapter and subject to the conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses."

- A. Accessory uses and structures customarily incidental to a conditional use;
- B. Bed and breakfast homestay, provided:
  - 1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year; and
  - 2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Salt Lake City-County Health Department prior to issuance of a license.
- C. Home day care/preschool, for no fewer than 7 nor more than 12 children, subject to



the conditions set forth in Section 19.04.293.

- D. Home occupation.
- E. Pigeons, subject to city-county health department health regulations.
- F. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned Unit Developments."
- G. Private nonprofit recreational grounds and facilities.
- H. Public and quasi-public use.
- I. Residential facility for elderly persons.
- J. Temporary buildings for uses incidental to construction work, which building must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within ninety days upon completion of construction work and thirty days after notice, the building will be removed by the county at the expense of the owner.
- K. Wireless telecommunication facilities, as that term and all related terms are defined in §19.83.020, provided:
  - 1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited; and
  - 2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code; and
  - 3. The facility complies with the requirements for development set forth in the Foothills and Canyons Overlay Zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance; and
  - 4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings; and
  - 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities; and
  - 6. The maximum height for monopole facilities shall be sixty (60) feet; and
  - 7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and
  - 8. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. 1200 4(part), 1992; Ord. 1198 8(part), 1992; Ord. 1179 6(part), 1992; Ord. 1088 5(part), 1989; (part) of Ord. passed 12/15/82; (part) or Ord. passed 6/30/82: prior code 22-36-3)

**19.54.040 Lot Area, Lot Width, Density, and Slope Regulations**

- A. Lot Width, Lot Area, and Density Requirements. In the foothill agricultural zones, the minimum lot area may include private rights-of-way, except that the area in the right-of-way shall not exceed twenty-five percent of the minimum lot area:

<u>District</u>	<u>Minimum Lot Width</u>	<u>Minimum Lot Area</u>	<u>Maximum Residential Density</u> (dwelling units per gross acre)
FA-2.5	250 feet	2.5 acres	1 d.u. per 2.5 gross acres
FA-5	300 feet	5 acres	1 d.u. per 5 gross acres
FA-10	300 feet	10 acres	1 d.u. per 10 gross acres
FA-20	300 feet	20 acres	1 d.u. per 20 gross acres

- B. Lots Fronting on Cul-de-Sacs--Lot Width. The minimum lot width of any lot fronting on a cul-de-sac, partial cul-de-sac, or oblique angle-curved street from which the lot lines radiate shall be measured at a distance of fifty (50) feet from the front lot line. ((Part) of Ord. passed 6/30/82: prior code 22-36-5)

- C. Slope Requirements. All development in the FA zones shall be subject to the slope protection standards set forth in the Foothills and Canyons Overlay Zone, §19.72.030.B., "Slope Protection Standards" and §19.72.030.D., "Streets/Roads and General Site Access."

(Ord. 1010 2, 1987: (part) of Ord. passed 6/30/82: prior code 22-36-4)

**19.54.050 Limits of Disturbance/Setbacks**

Because of the unique nature of the soils and topography in the foothill areas, limits of disturbance and setbacks for developments in the FA zones shall be determined on a case-by-case basis by the Development Services Director, subject to the Planning Commission's final approval on all developments except minor developments (*see* Chapter 19.72), for all uses including single-family dwellings and accessory structures. All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the Foothills and Canyons Overlay Zone, §19.72.040, "Establishment of Limits of Disturbance."

**19.54.060 Building Height**

- A. Except as otherwise specifically provided in this Title, no building or structure shall exceed the following heights:
1. Thirty (30) feet on property where the original slope exceeds fifteen (15) percent or the property is located in the Foothills and Canyons Overlay Zone.

For purposes of this section, the slope shall be determined using a line drawn

from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five (35) feet on all other properties.

B. No dwelling structure shall contain less than one story.  
(Ord. 1237 3, 1993)

#### **19.54.070 Natural Hazards**

Construction of permanent structures in the FA zones in areas subject to natural hazards, including floods, landslides, unstable soils, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

((Part) of Ord. passed 6/30/82: prior code 22-36-7(1))

#### **19.54.080 Soils Reports**

Because of the fragile nature of the soils in some areas of the foothills within the FA zones, the Development Services Director or Planning Commission may require the applicant to submit a soils report prepared by a qualified soils engineer to verify the suitability of soils for the intended use. If the property is subject to the requirements set forth in §19.54.070 above, the soils report may be combined with any required natural hazards report.

((Part) of Ord. passed 6/30/82: prior code 22-36-7(2))

#### **19.54.090 Grading**

To eliminate the possibility of erosion and unsightly scars on the foothill slopes, grading shall be permitted only in conformance with the standards and limitations set forth in the Foothills and Canyons Overlay Zone, §19.72.030.C, "Grading Standards."

((Part) of Ord. passed 6/30/82: prior code 22-36-7(5))

#### **19.54.100 Tree and Vegetation Protection**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.030.H., "Tree and Vegetation Protection."

((Part) of Ord. passed 6/30/82: prior code 22-36-7(3))

**19.54.110 Maintenance of Animals and Fowl**

Animals and fowl shall be maintained in such a way to prevent dust, odors, loss of vegetation and loss of topsoil due to erosion. In some areas due to the fragile soils and sparse vegetative cover, the Planning Commission may require that all animals and fowl are kept in an enclosed area. At the time any building permit is applied for, the Planning Commission may designate the areas of the lot suitable for maintenance of animals and fowl. ((Part) of Ord. passed 6/30/82: prior code 22-36-7(4))

**19.54.120 Utilities**

All utilities in the FA zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations."

**19.54.130 Building Location, Construction, and Design**

All buildings and accessory structures in the FA zones, including single-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the Foothills and Canyons Overlay Zone, §19.72.030, "Development Standards," and in Chapter 19.73 of this Title, "Foothills & Canyons Site Development and Design Standards."

**19.54.140 Site Development Plan Approval**

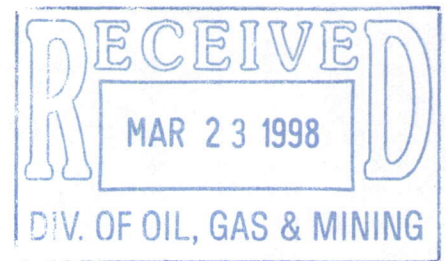
All development in the FA zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval process and requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.050, "Approval Procedures for Development in the Foothills and Canyons Overlay Zone."

**19.54.150 Applicability to Lots of Record and Waivers from Slope Requirements**

- A. Applicable to Lots of Record. All standards and requirements for development in the FA zones as set forth in this chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of this ordinance.
- B. Lots of Record--Waivers from Slope Requirements. For properties in the FA zones also located in the Foothills and Canyons Overlay Zone (see Chapter 19.72), the Planning Commission may waive grade requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060.A. are satisfied.  
(Ord. 1010 3, 1987)



3-5-98



Chapter 19.12  
FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20,  
FR-50 AND FR-100 FORESTRY RECREATION ZONES

*SIMMONS ENVELOPE  
3/19/98*

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### **19.12.010 Purpose of Provisions**

The purpose of the forestry and recreation zones is to permit the development of the foothill and canyon areas of the county for forestry, recreation, and other specified uses to the extent such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations.

(Prior code 22-9A-1)

### **19.12.020 Permitted Uses**

The following uses are permitted in the FR zones subject to meeting all applicable requirements set forth in this chapter and ordinance relating to site and lot dimensions, development standards, and other regulations:

- A. Accessory uses and structures customarily incidental to a permitted use.
- B. Agriculture, as defined in Section 19.04.020.
- C. Home day care/preschool for 6 or fewer children subject to the conditions set forth in Section 19.04.293.
- D. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the City-County Board of Health.
- E. Single-family dwellings.
- F. Wireless telecommunication facilities, provided:
  - 1. The wireless telecommunication facility is a wall-mounted or roof-mounted facility; and .
  - 2. The facility is mounted on a non-residential building ; and
  - 3. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan; and
  - 4. All other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.

(Ord. 1179 5(part), 1992; Ord. passed 1/13/82; prior code 22-9A-2)

### **19.12.030 Conditional Uses**

The following conditional uses are subject to the requirements of this chapter, except that such regulations may be modified by the Planning Commission as they relate to mineral extraction and processing and to public uses. Conditional uses will be permitted only when all general and specific conditions set forth in Chapter 19.84, "Conditional Uses," and this section are satisfied.

- A. Accessory uses and structures customarily incidental to a conditional use.
- B. Bed and breakfast homestay, provided:
  - 1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year; and

2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Salt Lake City-County Health Department prior to issuance of a license.
- C. Commercial and private recreation.
- D. Day care/preschool center, subject to the conditions set forth in Section 19.76.260.
- E. Dwelling group, provided:
1. The parcel of ground on which the dwelling group, as defined in §19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group;
  2. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet county standards.
  3. The development or site plan shall provide a landscaped buffer area along the perimeter property lines and decorative landscaping adjacent to the buildings in appropriate locations; and
  4. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Salt Lake City-County Health Department..
- F. Home day care/preschool for no fewer than 7 nor more than 12 children, subject to the conditions set forth in Section 19.04.293.
- G. Horses, and animals and fowl for family food production, as defined in Section 19.04.235 of this title, provided that:
1. The area proposed for animals is not a watershed area, as determined by the Salt Lake City-County Health Department; and
  2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the Planning Commission shall seek and consider recommendations from the Salt Lake City-County Health Department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use; and
  3. The Planning Commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection; and
  4. After the use is established, if the Planning Commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the Planning Commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated.

- H. Living quarters for persons employed on the premises of any main use.
- I. Logging and lumber processing, provided evidence is presented of approval by any federal or state agencies with jurisdiction over such use.
- J. Mineral extraction and processing, provided that:
  - 1. The applicant shall comply with all applicable regulations of this Ordinance, including but not limited to site grading and drainage, landscaping, and environmental standards, and all applicable provisions in Chapter 19.72, "Foothills and Canyons Overlay Zone," and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards;" and
  - 2. Such use shall not be located within one-thousand (1,000) feet of any residential use or lot; and
  - 3. The perimeter of the site shall be screened from adjacent properties and roads with a bufferyard of adequate width and opacity as determined by the County; and
  - 4. The applicant submits a plan, prepared by a qualified professional, that shows the location of existing and proposed watercourses and drainage systems, including lakes, ponds, and detention basins;
  - 5. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way; and
  - 6. The applicant shall present evidence of all necessary state and/or federal permits and approvals; and
  - 7. Access shall be provided, either directly or over a private haul road, to an arterial street that is designed for heavy truck traffic; and
  - 8. A haul road entering the site from a public street or road shall be paved for at least a distance of five-hundred (500) feet from the public street or road; and
  - 9. The property shall be posted with a notice of dangerous conditions and warning trespassers away; and
  - 10. Operations shall be conducted in compliance with Salt Lake City-County Health Department regulations and standards regarding noise, odor, vibrations, dust, blowing debris, hazardous materials, and air quality; and
  - 11. The applicant shall submit a general plan for proposed rehabilitation of the site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the operation or the expiration of the conditional use approval (*see* Sections 19.72.030.H., "Tree and Vegetation Protection," and 19.72.030.C., "Grading Standards"); and
  - 12. If a change in ownership occurs, the new owner shall submit a new application for conditional use approval. Approval of the new application shall not be granted until all new federal and/or state permits are issued to the new owner; and



13. Any suspension or revocation of required state or federal permits shall constitute a violation of this Ordinance and will result in automatic suspension or revocation of all County approvals and permits; and
  14. The County may require a bond in favor of the County to be posted by the applicant to cover damages that may occur to County roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one (1) year after the conclusion of the excavation; and
  15. The County may impose additional conditions addressing access, circulation, operations, noise, hours of operation, and similar impacts it deems necessary to minimize potential significant impacts on adjacent properties and streets.
- K. Offices incidental to main use.
- L. Planned unit development subject to the conditions and requirements set forth in Chapter 19.78, "Planned Unit Developments "
- M. Public and quasi-public uses.
- N. Residential facility for elderly persons.
- O. Short term rentals provided that:
1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E; and
  2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year; and
  3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the Salt Lake City-County Health Department prior to issuance of a license.
- P. Temporary structures. (Prior code 22-9A-3)
- Q. Underground record storage vaults, provided:
1. The facility complies with the requirements for development set forth in Chapter 19.72, "Foothills and Canyons Overlay Zone" and Chapter 19.73, "Foothills and Canyons Site Development and Design Standards," including but not limited to development standards for grading, wildlife habitat protection, tree and vegetation protection, outdoor lighting, natural hazards, and utilities, and standards for establishing limits of disturbance; and
  2. Excavation of the site to construct the underground vaults shall be conducted as follows:
    - a. Access to the site shall be controlled through one point; and
    - b. The excavator shall post the property, noting that a dangerous condition exists and warning trespassers away; and
    - c. The excavator shall take care that trucks leaving the property are not overloaded and that spilled material is removed from adjacent public roads not less frequently than once every twenty-four (24) hours while the excavation is in progress; and

- d. Water accumulating on the site shall be removed to a drainage way and any contaminated water shall be treated before being allowed to enter a drainage way; and
  - e. When the operation ceases for a period of at least ninety (90) days or moves from one area of the site to another, slope and graded areas remaining shall be left in accordance with the requirements for grading and revegetation set forth in Sections 19.72.030.B. and C. of the Foothills and Canyons Overlay District; and
  - f. The County may require a bond in favor of the County to be posted by the excavator to cover damages that may occur to County roads as a result of hauling materials excavated from the permitted site. The amount of the bond less any sums needed to correct damages shall be refunded to the excavator within one (1) year after the conclusion of the excavation.
3. The applicant shall submit a general plan for proposed rehabilitation of the excavated site, including a schedule of rehabilitation measures and proposed ground cover and landscaping to be installed following the completion of the excavation.
- R. Wireless telecommunication facilities, as that term and all related terms are defined in §19.83.020, provided:
- 1. The wireless telecommunication facility is either a wall-mounted, roof-mounted, or monopole facility. Facilities located on lattice towers are prohibited; and
  - 2. Any grading for the facility, including access roads and trenching for utilities, shall comply with the Uniform Building Code; and
  - 3. The facility complies with the requirements for development set forth in the Foothills and Canyons Overlay Zone, Chapter 19.72, including development standards for grading, wildlife habitat protection, tree and vegetation protection, natural hazards, and utilities, and standards for establishing limits of disturbance; and
  - 4. Site placement and facility color shall be carefully considered to blend in with the natural surroundings; and
  - 5. Continuous outside lighting is prohibited unless required by the FAA for monopole facilities; and
  - 6. The maximum height for monopole facilities shall be sixty (60) feet; and
  - 7. A computer-generated visual simulation of the proposed structure is submitted as part of the required site plan and shall show all structures including but not limited to monopoles, antennas, and equipment buildings; and all other applicable requirements set forth in Chapter 19.83, "Wireless Telecommunications Facilities," are satisfied.
- Ord.1200 4(part), 1992; Ord. 1198 4(part), 1992; Ord. 1179 6(part), 1992; Ord. 1168 2. 1991; Ord. 1115 2(part), 1990; Ord. 1088 4(part), 1989; prior code 22-9A-3)

#### 19.12.040 Lot Area, Lot Width, Density, and Slope

A. Lot area, lot width, and density requirements:

B.

<u>District</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum Residential Density</u> (dwelling units per gross acre)
FR-0.5	½ acre	100 feet	2 d.u. per gross acre
FR-1	1 acre	200 feet	1 d.u. per gross acre
FR-2.5	2½ acres	250 feet	1 d.u. per 2.5 gross acres
FR-5	5 acres	300 feet	1 d.u. per 5 gross acres
FR-10	10 acres	300 feet	1 d.u. per 10 gross acres
FR-20	20 acres	300 feet	1 d.u. per 20 gross acres
FR-50	50 acres	300 feet	1 d.u. per 50 gross acres
FR-100	100 acres	300 feet	1 d.u. per 100 gross acres

C. Lots fronting on cul-de-sacs--lot width. The minimum lot width of any lot fronting on a cul-de-sac, partial cul-de-sac, or oblique angle-curved street from which the lot lines radiate shall be measured at a distance of fifty (50) feet from the front lot line.

D. Slope requirements: All development in the FR zones shall be subject to the slope protection standards set forth in the Foothills and Canyons Overlay Zone, §19.72.030.B., "Slope Protection Standards" and §19.72.030.D., "Streets and Roads."

(Ord. 1013 4, 1987; Ord. 966 1, 1986: prior code 22-9A-4)

#### 19.12.050 Limits of Disturbance/Setbacks

Because of the unique nature of the topography and climatic conditions of the foothill and canyon areas, limits of disturbance and setbacks for developments in the FR zones shall be determined on a case-by-case basis by the Development Services Division Director, subject to the Planning Commission's final approval on all developments except minor developments (*see* Chapter 19.72), for all uses including single-family dwellings and accessory structures. All determinations of limits of disturbance shall be subject to the conditions and criteria set forth in the Foothills and Canyons Overlay Zone, §19.72.040, "Establishment of Limits of Disturbance." (Ord. 982 8, 1986: prior code 22-9A-5)

#### 19.12.060 Building Height

A. Except as otherwise specifically provided in this Title, no building or structure shall exceed the following heights:

1. Thirty (30) feet on property where the original slope exceeds fifteen (15) percent or the property is located in the Foothills and Canyons Overlay Zone.

For purposes of this section, the slope shall be determined using a line drawn from the highest point of elevation to the lowest point of elevation on the perimeter of a box which encircles the foundation line of the building or structure. The box shall extend for a distance of fifteen feet or to the property line, whichever is less, around the foundation line of the building or structure. The elevation shall be determined using a certified topographic survey with a maximum contour interval of two feet.

2. Thirty-five (35) feet on other properties.
- B. No single family dwelling structure shall contain less than one story.  
(Ord. 1237 3, 1993)

#### 19.12.070 Natural Hazards

Construction of permanent structures in areas subject to natural hazards, including floods, landslides, and avalanches, shall be subject to the requirements and limitations set forth in Chapter 19.74, "Floodplain Hazard Regulations," and Chapter 19.75, "Natural Hazard Areas."

(Prior code 22-9A-8(1))

#### 19.12.080 Water Quality

- A. Department of Health approval required. Prior to issuance of a conditional use permit or site plan approval for all uses in the FR zones, regardless of size or number of units, the applicant shall receive the written approval of the Salt Lake City-County Board of Health certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
- B. Developments of More than Nine (9) Lots/Units. Developments of more than nine (9) lots or units shall receive the written approval of the Utah Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the Utah Department of Environmental Quality relating to culinary water supply and wastewater disposal.
- C. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, Sections R317-501 through R317-513, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time.

- D. Subsequent Changes in Site Plan. If after City-County Health Department or Utah Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan. (Prior code 22-9A-8(2))

#### **19.12.090 Grading**

Grading shall be permitted only in conformance with the standards and limitations set forth in the Foothills and Canyons Overlay Zone, §19.72.030.C, "Grading Standards."  
(Prior code 22-9A-8(4))

#### **19.12.100 Tree and Vegetation Protection**

Removal of trees or natural vegetation shall not be permitted except in conformance with the standards and requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.030.H., "Tree and Vegetation Protection."  
(Ord. 982 9, 1986; prior code 22-9A-8(5))

#### **19.12.110 Utilities**

All utilities in the FR zones shall be placed underground, except as may be provided for in Chapter 19.79, "Utility and Facility System Placement Regulations."  
(Prior code 22-9A-8(7))

#### **19.12.120 Building Location, Construction, and Design**

All buildings and accessory structures in the FR zones, including single-family dwellings, shall be located, constructed, and designed in compliance with the development standards set forth in the Foothills and Canyons Overlay Zone, §19.72.050, "Development Standards," and in Chapter 19.73 of this Title, "Foothills and Canyons Site Development and Design Standards."  
(Ord. 1262 3, 1994; prior code 22-9A-8(3))

#### **19.12.130 Off-Street Parking**

- A. Permitted Uses. The Planning Division Director shall determine the number of off-street parking spaces required, provided the minimum requirements of Chapter 19.80 are met, except that the Planning Commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.

- B. Conditional Uses. The Planning Commission shall determine the number of off-street parking spaces required provided the minimum requirements of Chapter 19.80 are met, except that the Planning Commission may modify the requirements of Sections 19.80.060 through 19.80.120 if such modification will better preserve views, protect existing trees/vegetation, or reduce the amount of disturbance to steep slopes, wetlands, streams, or other sensitive environmental areas.
- C. Covered parking is encouraged for all developments in the FR zone.  
(Ord. 1022 2, 1988: Ord. 982 10, 1986: prior code 22-9A-8(6))

#### **19.12.140 Site Development Plan Approval**

Site development plans for all development in the FR zone, including single-family dwellings, shall be approved prior to issuance of any building permits pursuant to the site development plan approval requirements set forth in the Foothills and Canyons Overlay Zone, §19.72.050, "Approval Procedures for Development in the Foothills and Canyons Overlay Zone." (Ord. 1218 3, 1993: Ord. 982 11, 1986: prior code 22-9A-9)

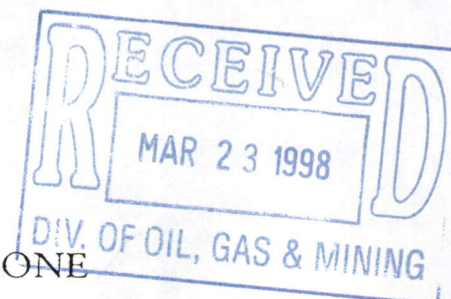
#### **19.12.150 Applicability to Lots of Record and Waivers from Slope Requirements**

- A. Applicable to Lots of Record. All standards and requirements for development in the FR zones as set forth in this chapter shall apply to development on lots and in subdivisions that were recorded prior to the enactment date of this ordinance.
- B. Lots of Record--Waivers from Slope Requirements. For properties in the FR zones also located in the Foothills and Canyons Overlay Zone (*see* Chapter 19.72), the Planning Commission may waive grade requirements for streets/roads and slope protection requirements for lots of record and lots and plans of subdivisions that were approved prior to the enactment of Chapter 19.72, provided the conditions and criteria set forth in Section 19.72.060.A. are satisfied.

(Ord. 966 6, 1986: prior code 22-9A-10)

## Chapter 19.72

# FOOTHILLS AND CANYONS OVERLAY ZONE



*SUMMARY ENCLOSURE  
3/19/98*

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## 19.72.010 Purposes of Provisions

- A. The general purpose of the Foothills and Canyons Overlay Zone is to promote the health, safety, and public welfare of the residents of the County, and while being cognizant of private property rights, to preserve the natural character of the foothills and canyons by establishing standards for foothill and canyon development proposed in the unincorporated areas of the County.
- B. The standards for development contained herein are intended specifically to accomplish the following purposes:
1. Preserve the visual and aesthetic qualities of the foothills and canyons, including prominent ridgelines, which are vital to the attractiveness and economic viability of the County.
  2. Encourage development designed to reduce risks associated with natural hazards and to provide maximum safety for inhabitants.
  3. Provide adequate and safe vehicular and pedestrian circulation.
  4. Encourage development that fits the natural slope of the land in order to minimize the scarring and erosion effects of cutting, filling, and grading related to construction on hillsides, ridgelines, and steep slopes.
  5. Prohibit activities and uses that would result in degradation of fragile soils, steep slopes, and water quality.
  6. Provide for preservation of environmentally sensitive areas and open space by encouraging clustering or other design techniques to preserve the natural terrain, minimize disturbance to existing trees and vegetation, preserve wildlife habitat, and protect aquifer recharge areas.
  7. Reduce flooding by protecting streams, drainage channels, absorption areas, and floodplains from substantial alteration of their natural functions.  
(Part) of Ord. passed 9/25/80: prior code 22-35-1)

## 19.72.020 Overlay Zone-Scope & Application - General Provisions

### A. Scope/Application.

1. Maps delineating the boundaries of the Foothills and Canyons Overlay Zone are attached as Appendix A to this Chapter and are on file with the Salt Lake County Planning Division. Such maps, as amended, are a part of this Title as if fully described and detailed herein.
2. Applies to All Development. The standards and regulations contained in this Chapter shall apply to all development that occurs within the mapped Foothills and Canyons Overlay Zone, as the term "development" is defined at Section 19.04.165, including grading, clearing, and other land disturbance activities.
3. Applicability to Development on Lots of Record. The standards and regulations contained in this Chapter shall apply to all development that occurs within the mapped Foothills and Canyons Overlay Zone on legally subdivided lots that were recorded prior to the enactment of this ordinance, including subsequent additions or expansions of buildings or structures constructed prior to the enactment of this ordinance, except when a waiver or exemption expressly allowed by this Chapter has been granted.

### B. General Provisions.

1. Construction & Rules of Interpretation -- Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the County to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
2. Recognition of Salt Lake City Extraterritorial Jurisdiction.  
Salt Lake County recognizes that Salt Lake City has extraterritorial jurisdiction for protection of its watershed located in the canyons east of Salt Lake City from City Creek Canyon south to Little Cottonwood Canyon. All development in the county that is also located within Salt Lake City's watershed areas shall be reviewed by Salt Lake City for compliance with the city's applicable watershed protection standards prior to county approval or final permitting. Maps delineating the boundaries of Salt Lake City's watershed areas are attached as Appendix B to this Chapter and are on file with the Salt Lake County Planning Division. Such maps, as amended, are a part of this Title as if fully described and detailed herein.

3. Inconsistent Provisions. When the provisions of this Chapter are inconsistent with provisions found in other Chapters of this Title, or with provisions found in any other County ordinance or regulation, the most restrictive provision shall apply.  
(Part) of Ord. passed 9/25/80: prior code 22-35-2)

### **19.72.030 Development Standards**

#### **A. Lot and Density Requirements.**

1. General Rule. All development in the Foothills and Canyons Overlay Zone shall comply with the standards for minimum lot size, minimum lot width, and maximum density required in the underlying zone
2. Exception to the General Rule--When Underlying Zone Permits Smaller than 1-Acre Lots.
  - a. Lots Created After the Effective Date of this Ordinance. If the underlying zone permits a minimum lot size of smaller than one (1) acre, then the minimum lot size for development in this overlay zone shall be one (1) acre.
  - b. Lots of Record That Meet Underlying Zone's Minimum Lot Size Requirement. If the underlying zone permits a minimum lot size of smaller than one (1) acre, then a lot of record approved prior to the effective date of this ordinance that meets the minimum lot size requirement set forth in the underlying zone district shall have a minimum lot size of one-half (½) acre.  
(See §19.72.030.A.4.b. below).
3. Exception to the General Rule--Lots of Record That Do Not Meet the Underlying Zone's Minimum Lot Requirements.  
If a lot of record subject to this Chapter:
  - a. Was approved prior to the effective date of this ordinance; and
  - b. Does not meet the minimum lot size or lot width requirements set forth in the underlying zone district; and
  - c. Is not subject to the substandard lot consolidation provisions set forth in subsection A.4. below;

then the minimum lot size or lot width requirements shall be waived and development may proceed on said lot of record subject to compliance with all other applicable development standards set forth in this Chapter and in the underlying zone.

4. Consolidation of Substandard Lots.

- a. General Rule: Consolidation Required. Two or more lots or parcels located in the Foothills and Canyons Overlay Zone shall be considered to be a single, undivided lot or parcel for the purposes of this Chapter, if all the following factors apply:
1. The lots or parcels are contiguous;
  2. The lots or parcels are in single and common ownership and are of record on the effective date of this ordinance;
  3. No structures are located on the lots or parcels;
  4. All or part of the lots or parcels do not meet the minimum lot area or lot width requirements set forth in this section; and
  5. Such lots have not been improved with individual and separate connections to municipal water or sewer systems.

No portion of such lots or parcels subject to this consolidation provision shall be used or sold in a manner that renders compliance with the lot width and lot area requirements set forth in this section less feasible.

- b. Exception to General Rule. Notwithstanding the general rule for consolidation set forth in paragraph "a" above, if a lot or parcel that would otherwise be subject to the general consolidation rule meets the minimum lot area or lot width requirements set forth in the underlying zone district, then consolidation shall not be required.

5. Clustering.

Clustering of development ( *See Figures 1 and 2* ) is generally recommended and may be required by the Planning Commission to achieve the objectives of this Chapter. Whether proposed by an applicant or required by the Planning Commission, clustering of development may only be used to reduce otherwise applicable minimum lot size requirements upon satisfaction of the following findings:

- a. The clustering proposal meets all other applicable requirements set forth in this Chapter or in other applicable ordinances or regulations;
- b. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;
- c. The clustering proposal will have no significant adverse impact on adjacent properties or development, or, if such impacts would result, the applicant has agreed to implement appropriate mitigation measures such as landscaping, screening, illumination standards, and other design features as recommended by the

Development Services Director to buffer and protect adjacent properties from the proposed clustered development; and

- d. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

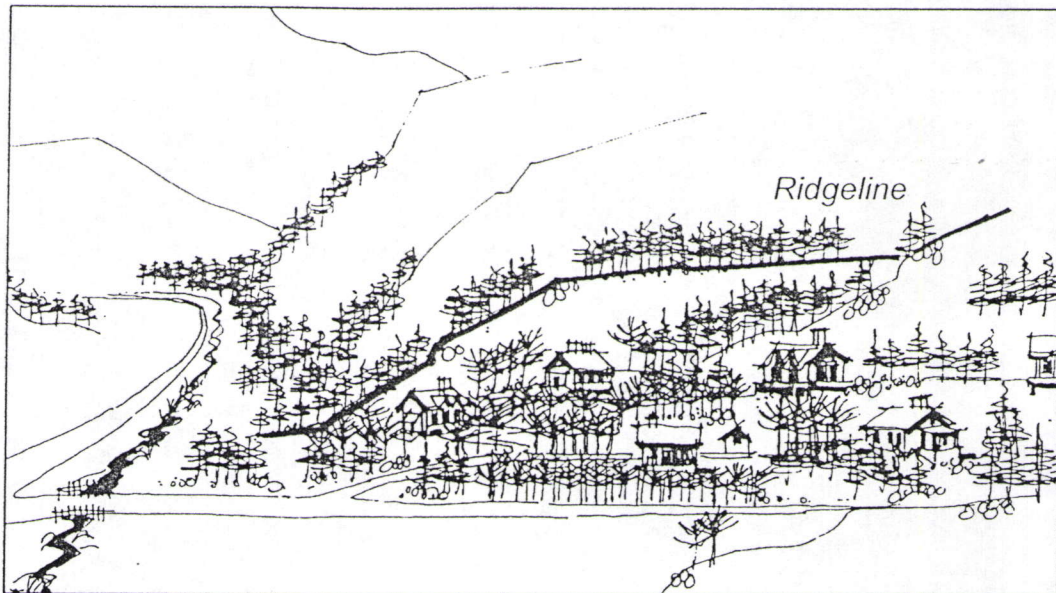


Figure 1. Clustering of Development away from Ridgeline: Recommended



Figure 2. Scattered Development - Intrusive upon Ridgeline: Not Recommended



6. Density Bonus for Clustering.

- a. A density bonus of up to 25% over the base density permitted in the underlying zone district may be available for cluster developments that satisfy the above standards taking into account the bonus density.
- b. For purposes of calculating this 25% cluster density bonus, the base density permitted in the underlying zone district shall be calculated based on "net developable acreage," which is defined as land with all of the following:
  1. Average slope less than thirty (30) percent;
  2. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah Department of Environmental Quality in order to ensure against adverse impacts on surface and groundwater quality;
  3. Minimum distance from any stream corridor, as that term is defined in §19.72.070, of one hundred (100) feet; and
  4. Free from any identified natural hazards such as flood, avalanche, landslide, high water table, and similar features.  
( See Chapter 19.74, "Floodplain Hazard Regulations," )  
( See also Chapter 19.75, "Natural Hazard Areas." )

7. Planned Unit Developments.

- a. Minimum lot area and lot width. Lot areas and lot widths for planned unit developments in the Foothills and Canyons Overlay Zone District shall not be subject to the minimum lot area and lot width limits set forth in this section. Instead, minimum lot areas and lot widths shall be determined on a case-by-case basis by the Planning Commission pursuant to Chapter 19.78 of this Title.
- b. Maximum density. Density of dwelling units per acre in a planned unit development shall be the same as that allowed in the underlying zone district in which the planned unit development is located.

B. Slope Protection Standards.

1. Prohibition of Development on Steep Slopes. No development, including clearing, excavation, and grading shall be allowed on slopes greater than thirty (30) percent, except as expressly allowed in this Chapter.
2. Structure Clearance from Steep Slopes. Structure clearance from ascending or descending slopes greater than thirty (30) percent shall conform to the requirements set forth in applicable building code provisions.

3. Prohibition of Development on Designated Ridge lines.
  - a. Except when a waiver has been granted pursuant to this Chapter, no development shall intrude into any ridgeline protection area that has been identified and designated as part of an adopted county or township plan (e.g., the Emigration Canyon Plan) or has been identified and designated by the County during the development review and approval process set forth in Section 19.72.050 of this Chapter.
  - b. For the purposes of this Chapter, designated ridgeline protection areas shall consist of prominent ridge lines that are highly visible from public rights-of-way or trails, and shall include the crest of any designated hill or slope, plus the land located within one-hundred (100) feet horizontally (map distance) on either side of the crest. ( See Figures 3 and 4 below )
4. Steep Slopes--Open Space. One hundred (100) percent of areas with slope greater than thirty (30) percent shall remain in natural private or public open space, except as expressly allowed in this Chapter.



Figure 3 . Development Away from Ridgelines: Recommended

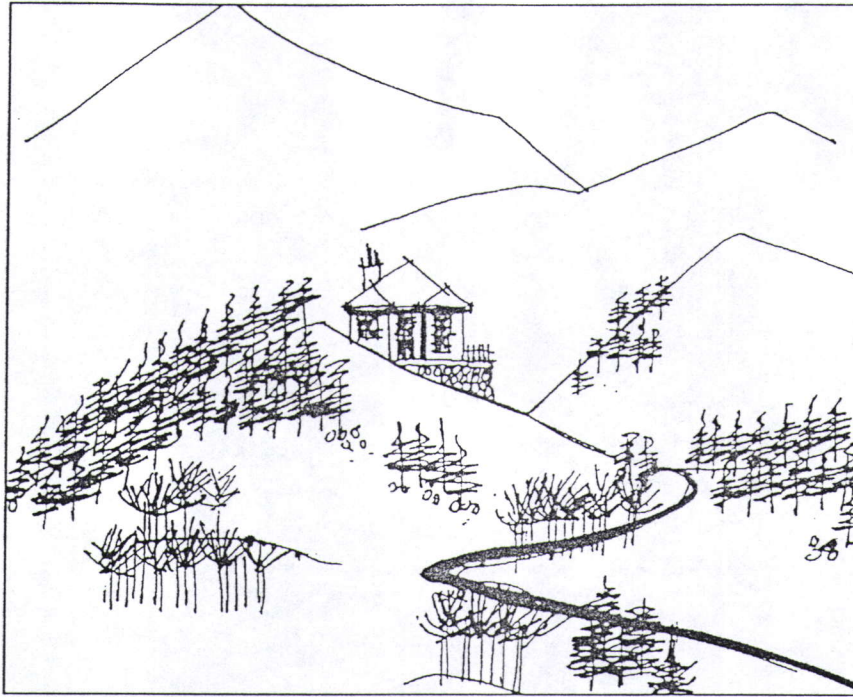


Figure 4. Intrusive Ridgeline Development : Generally Prohibited

C. Grading Standards.

1. Grading Prohibited Without Prior Approvals/Permits. No grading, excavation, or tree/vegetation removal shall be permitted, whether to provide for a building site, for on-site utilities or services, or for any roads or driveways, prior to issuance of a building permit in accordance with a grading and excavation plan and report for the site approved by the Development Services Engineer.
2. Limits on Changing Natural Grade. The original, natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
  - a. The site's original grade may be raised or lowered six (6) feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements set forth in this section.
  - b. The site's original grade may be raised or lowered more than six (6) feet with terracing, as specified in Section 19.72.030.C.8.b.
3. Cutting to Create Benches. Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible. ( See Figures 5 and 6)

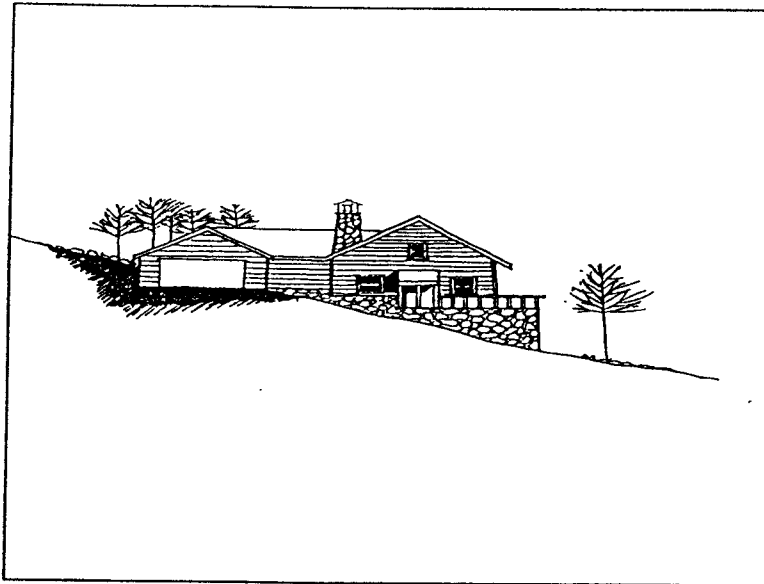


Figure 5. *Minimized Cuts: Encouraged*

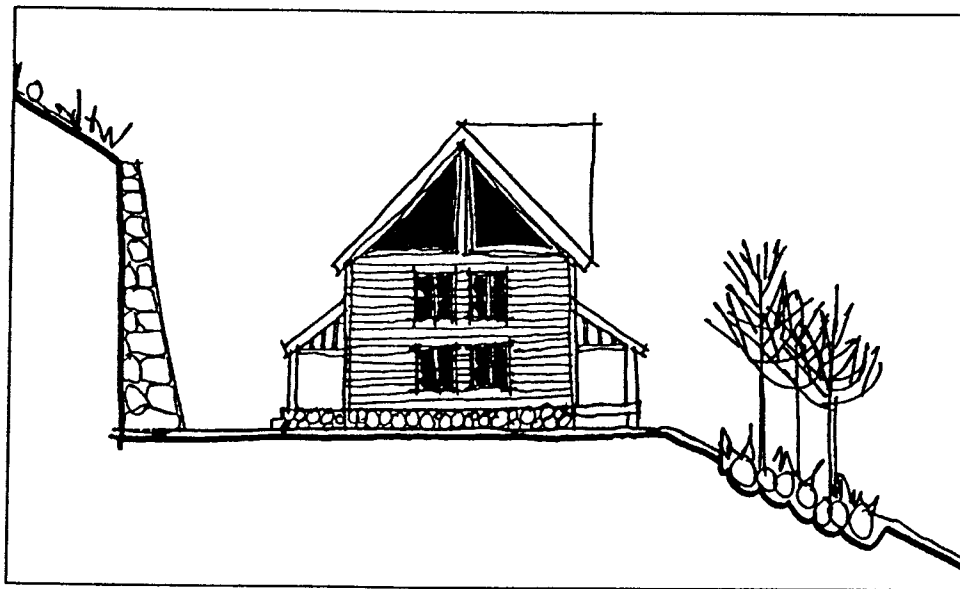
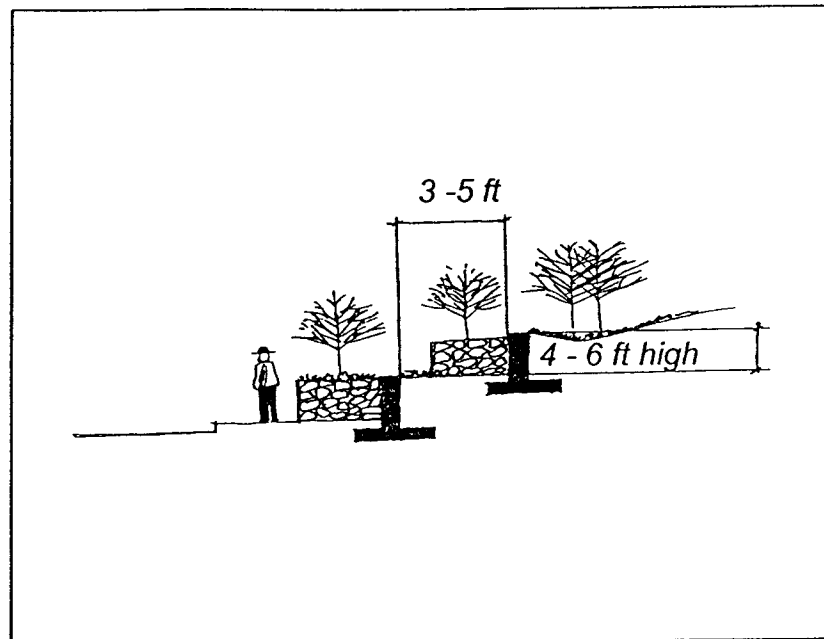


Figure 6. *Excessive Cutting: Discouraged*

4. Grading for Accessory Building Pads Discouraged. Separate building pads for accessory buildings and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the natural slope is twenty (20) percent or less.

5. Limits on Graded or Filled Man-Made Slopes.
  - a. Slopes of twenty-five (25) percent or less are greatly encouraged wherever possible.
  - b. Graded or filled man-made slopes shall not exceed a slope of fifty (50) percent.
  - c. Cut man-made surfaces or slopes shall not exceed a slope of fifty (50) percent unless it is substantiated, on the basis of a site investigation and submittal of a soils engineering or geotechnical report prepared and certified by a qualified professional, that a cut at a steeper slope will be stable and will not create a hazard to public or private property.
  - d. All cut, filled, and graded slopes shall be recontoured to the natural, varied contour of the surrounding terrain.
6. Revegetation Required. Any slope exposed or created in new development shall be landscaped or revegetated pursuant to the standards and provisions of Section 19.72.030.H., "Tree and Vegetation Protection," of this Chapter.
7. Excavation. Excavation for footings and foundations shall be minimized to the maximum extent feasible in order to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site development plan approval.
8. Retaining walls. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation.  
( See Figure 7)
  - a. Retaining walls may be permitted to support steep slopes but shall not exceed six (6) feet in height from the finished grade, except where terraced as specified in subsection (b) below.
  - b. Terracing shall be limited to two tiers. The width of the terrace between any two four-foot vertical retaining walls shall be at least three (3) feet. Retaining walls higher than four (4) feet shall be separated from any other retaining wall by a minimum of five (5) horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to §19.72.030.H., "Tree and Vegetation Protection," of this Chapter.



**Figure 7. Horizontal Separation Between Retaining Walls**  
walls 4 ft. high or less require 3ft. horizontal separation  
walls higher than 4 ft. but less than 6 ft. require 5 ft. separation

- c. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape. ( See Chapter 19.73, “**Foothills and Canyons Site Development and Design Standards.**” )
  - d. All retaining walls shall comply with the Uniform Building Code, except that when any provision of this section conflicts with any provision set forth in the U.B.C., the more restrictive provision shall apply.
9. Filling or Dredging of Waterways Prohibited. Filling or dredging of water courses, wetlands, gullies, stream beds, or Storm water runoff channels is prohibited, except that bridge construction is allowed pursuant to the standards set forth in Section 19.72.030.J.7. below.
10. Detention/Stormwater Facilities. Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible. ( See Figures 8 and 9 )  
( Ord. 966 3, 1986: (part) of Ord. Passe

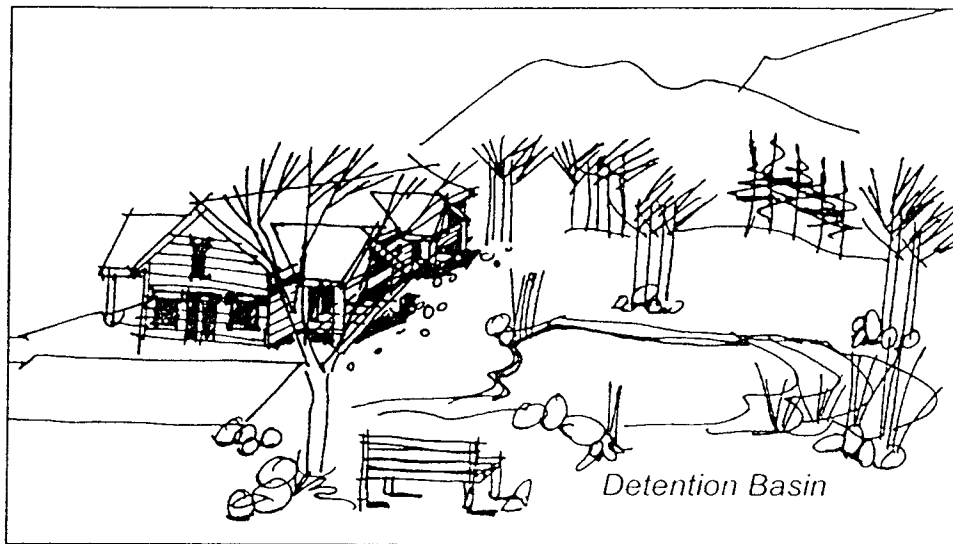


Figure 8. Site Sensitive Treatment of Detention Basin

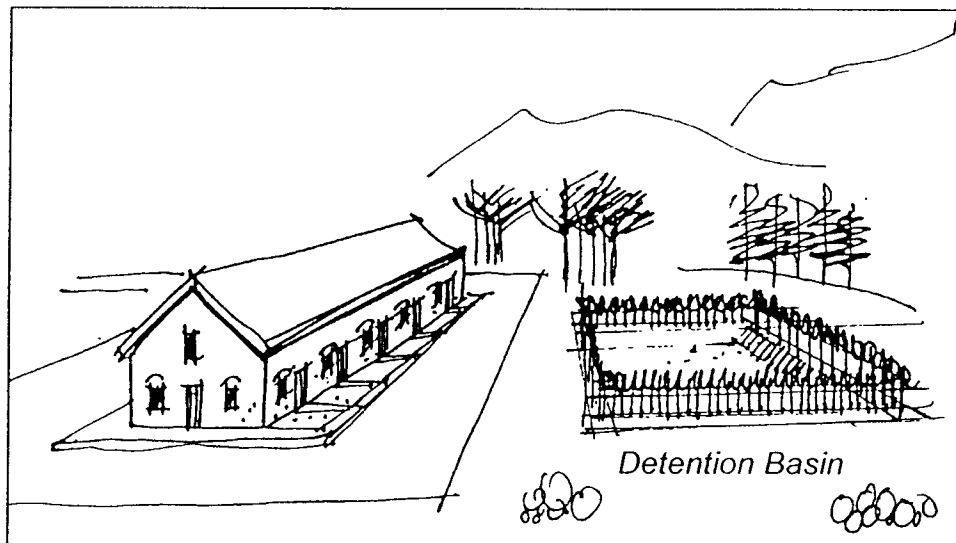


Figure 9. Undesirable Treatment around Detention Basin

D. Streets/Roads and General Site Access.

(See subsection E. below regarding driveway standards)

1. Access to a building or development site shall be by road, street, or private access road only.
2. Streets, roads, private access roads, and other vehicular routes shall comply with the Salt Lake County Highway and Fire Department Ordinances.



3. Streets, roads, private access roads, and other vehicular routes shall not be allowed to cross slopes between thirty (30) and fifty (50) percent unless specifically authorized by the Planning Commission, upon the favorable recommendation of the Development Services Director and Public Works Engineer, after finding that all of the following conditions and constraints are applicable:
  - a. No alternate location for access is feasible or available;
  - b. No individual segment or increment of the street, road, private access road, or other vehicular route that will cross slopes between 30% and 50% exceeds 100 feet in length;
  - c. The cumulative length of individual segments or increments that will cross slopes between 30% and 50% does not exceed ten (10) percent of the total length of the street, road, private access road, or other vehicular route; and
  - d. No significant adverse visual, environmental, or safety impacts will result from the crossing, either by virtue of the design and construction of the street, road, private access road, or other vehicular route as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
4. Under no circumstances shall any street, road, private access road, or other vehicular route cross slopes greater than fifty (50) percent.
5. Streets, roads, private access roads, and other vehicular routes shall to the maximum extent feasible follow natural contour lines.  
( See Figures 10 and 11 )

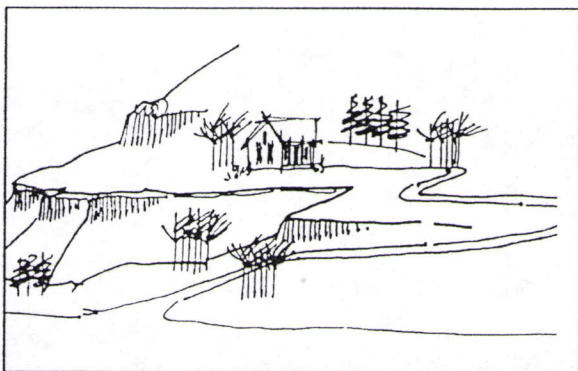


Figure 10. Access Route  
Following Natural Contours

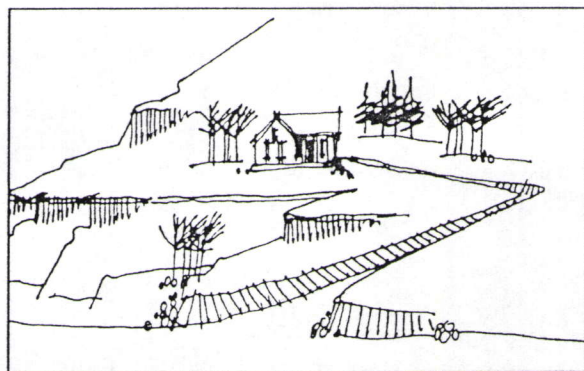


Figure 11. Access Route Improperly  
Cutting Cross Slope

6. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the cartway portion of the right-of-way, plus up to an additional ten (10) feet on either side of the cartway as needed, except that when developing access on slopes in excess of twenty-five (25) percent, only the cartway right-of-way shall be graded plus the minimum area required for any necessary curb, gutter, or sidewalk improvements. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.
7. Roads, other vehicular routes, or trails may be required to provide access or maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.

E. Driveways.

Driveways shall be provided to ensure safe, convenient, and adequate access to individual buildings. Driveway access to a development shall be consistent with the Salt Lake County Community General Plans and Highway Plans, as amended. In addition, provision of driveway access is subject to the following requirements:

1. All driveways shall comply with the Salt Lake County Highway and Fire Department Ordinances.
2. Driveways longer than one-hundred, fifty (150) feet in length shall meet the following requirements:
  - a. Provision of a turn-around that meets the county's road/street and fire department standards; and
  - b. Provision of an adequate number of spaced turn-outs along the length of the driveway, as determined by the Public Works Engineer in consultation with the Salt Lake County Fire Department.
3. Driveways longer than fifty (50) feet in length shall not be allowed to cross slopes between thirty (30) and fifty (50) percent unless specifically authorized by the Planning Commission, upon the favorable recommendation of the Development Services Director and Public Works Engineer, after finding that all of the following conditions and constraints are applicable:
  - a. No alternate location for access is feasible or available;
  - b. No individual segment or increment of the driveway that will cross slopes between 30% and 50% exceeds 100 feet in length;

- c. The cumulative length of individual segments or increments of the driveway that will cross slopes between 30% and 50% does not exceed ten (10) percent of the driveway's total length; and
  - d. No significant adverse visual, environmental, or safety impacts will result from the driveway crossing, either as originally proposed or as a result of incorporation of remedial improvements provided by the developer to mitigate such impacts.
- 4. Under no circumstance shall any driveway cross slopes greater than fifty (50) percent.
- 5. Driveways shall to the maximum extent feasible follow natural contour lines. (See Figures 10 and 11)
- 6. Driveways may be shared by no more than two residential units, or by two or more principal nonresidential uses provided such nonresidential uses together do not exceed a total of 25,000 square feet of gross floor area. Shared driveways are greatly encouraged.
- 7. Driveways to a building site shall have direct access to a public street or to a private right-of-way approved by the Planning Commission. Finished driveway grades shall comply with the following:
  - a. Driveways shall have a maximum grade of twelve (12) percent, or as determined by the Public Works Engineer on a case-by-case basis based on health and safety concerns and the need for adequate access for county service providers. In no case, however, shall the Public Works Engineer approve a maximum grade greater than fifteen (15) percent. Driveways shall have a maximum grade of fifteen (15) percent.
  - b. Driveway grades within twenty (20) feet of the roadway shall not exceed ten (10) percent. See Highway Ordinance.

F. Trail Access.

- 1. Dedication Required. For the purpose of providing trails necessary for public access to public lands or trails shown on the County master plans, the Salt Lake County Regional Trail Plan, the Salt Lake County Trail Access Plan, or applicable community general plans, all development in the Foothills and Canyons Overlay

Zone shall be required to offer a dedication of an amount of land that is roughly proportional to the demand for open space, recreational facilities, trails, or public access to public lands or trails generated by the proposed development. The county shall have the sole option whether to accept a reasonable money fee in lieu of land dedication.

2. Verification Required. All land offered for dedication for trails or public access to trails shall be verified on the ground by the Development Services Division before approval of the site plan. Land offered for dedication for trails shall be located so that:
  - a. Proposed trail construction and maintenance is feasible; and
  - b. Side slopes do not exceed seventy (70) percent; and
  - c. Rock cliffs and other insurmountable physical obstructions are avoided.

The County shall have the sole option of rejecting the applicant's offered land dedication and instead select more suitable land, based on the above factors, applicable plans, opportunities to link to existing or planned trails and public lands, and/or suitability of the terrain for trail use.

3. Nature of Interest Dedicated. At the County's sole option, dedications for trails or public access may be of a fee or less-than-fee interest to either the County, another unit of government, or nonprofit land conservation organization approved by the County.
4. Bonus Density Allowed for Certain Dedications. The Planning Commission may allow up to twenty-five (25) percent of the maximum allowable density attributable to areas of the site with greater than thirty (30) percent slope to be transferred to the developable areas of the site if the applicant shows that the offered dedication is beyond what would be roughly proportional to the demand for such trails or trail access generated by the proposed development. The Planning Commission may reduce the applicable minimum lot area requirement within the site's developable area if necessary to accommodate the transferred density.
5. Liability Releases. Liability releases related to dedicated lands shall be prepared for a landowner in accord with the State Landowner Liability Act of 1987, as amended.

G. Fences

1. No fence shall be constructed or installed unless shown on the approved site development plan.
2. No fence shall be constructed or installed outside the designated limits of disturbance on a site, except as required by the County (such as fenced corrals for horses or other animals) or along property boundaries.  
(See also Chapter 14, §14.12.040, "Clear View of Intersecting Streets.")
3. Fences in the front yards and along roadways shall not exceed forty-two (42) inches in height.
4. Fences in identified wildlife corridors shall be strongly discouraged, but in no case shall exceed forty-two (42) inches in height.
5. Fences shall conform to the standards set forth in Chapter 19.73, "**Foothills and Canyons Development Standards.**"  
(Part) of Ord. passed 9/25/80: prior code 22-35-9)  
(Ord. 966 4, 1986: (part) of Ord. passed 9/25/80: prior code 22-35-5)

H. Tree and Vegetation Protection.

1. Purposes. Protection of existing tree and vegetation cover is intended to:
  - a. preserve the visual and aesthetic qualities of the County's foothills and canyons;
  - b. encourage site design techniques that preserve the natural environment and enhance the developed environment;
  - c. control erosion, slippage, and sediment run-off into streams and waterways;
  - d. increase slope stability;
  - e. protect wildlife habitat and migration corridors; and
  - f. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.
2. Application and Exemptions. The provisions of this section shall apply to all development on real property that is located in the Foothills and Canyons Overlay Zone, except that the following developments and activities shall be exempt from this section:
  - a. The removal of dead or naturally fallen trees or vegetation, or such that the County finds to be a threat to the public health, safety, or welfare;



- b. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways, intersections, or for the purpose of performing authorized field survey work;
- c. The removal of trees or vegetation on land zoned or lawfully used for agricultural and forestry activities, including tree farms and approved forestry management practices. In the event a site is substantially cleared of trees pursuant to such legitimate activities, however, no development or site plan applications for other types of development shall be accepted by the County for thirty-six (36) months from the date the clearing is completed.

3. Tree/Vegetation Removal.

- a. Outside the Limits of Disturbance. No trees or vegetation shall be removed outside the approved limits of disturbance except as specifically exempted in this section or Chapter.
- b. Within the Limits of Disturbance. Significant trees (as defined in Section 19.72.070) removed from within the limits of disturbance shall be replaced as set forth in subsection 4 below.
- c. Wildfire Hazards and Tree/Vegetation Removal. In areas determined by County Fire Prevention officials as being highly susceptible to fire hazards, vegetation up to thirty (30) feet from the perimeter of a structure shall be selectively pruned and thinned for fire protection purposes.
- d. Tree/Vegetation Removal for Views Prohibited. No trees or vegetation shall be removed for the purpose of providing open views to or from structures on a site.

4. Replacement of Significant Trees. When a significant tree or trees, as defined in subsection 19.72.070 below, are removed from either inside or outside the established limits of disturbance, the applicant or developer shall replace such tree(s) on the lot, either inside or outside the established limits of disturbance, according to the following schedule and requirements:

- a. A significant deciduous tree that is removed shall be replaced by three (3) trees with a minimum size of 2½ inch caliper.
- b. A significant coniferous tree that is removed shall be replaced by two (2) trees with a minimum height of eight (8) feet.

- c. Acceptable replacement trees shall be determined by a person or firm qualified by training or experience to have expert knowledge of the subject.
- d. Replacement trees shall be maintained through an establishment period of at least three (3) years, except that single-family dwellings shall have an applicable establishment period of only one (1) year. The applicant shall post a bond guaranteeing the survival and health of all replacement trees during the establishment period.

5. Revegetation and Land Reclamation Plan.

- a. On a parcel of land that has been or will be altered from its natural condition by man-made activities, a revegetation and land reclamation plan prepared and certified by a qualified professional may be required for review and approval by the Development Services Director.
- b. The revegetation and land reclamation plan shall depict the type, size, and location of any vegetation and trees being planted and illustrate how the site will be recontoured in such a fashion and with sufficient topsoil to ensure that revegetation is feasible.
- c. Any slope exposed or created in new development shall be landscaped or revegetated with native or adapted trees and other native or adapted plant material. New vegetation shall be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
- d. On man-made slopes of twenty-five (25) percent or greater, plant materials with deep rooting characteristics shall be selected that will minimize erosion and reduce surface runoff. The planting basin should be kept level with a raised berm around the base of the plant to help retain moisture.
- e. To the maximum extent feasible, topsoil that is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.
- f. The plan shall also indicate a time frame for revegetation that is acceptable to the County and that takes into account optimal seasonal growing conditions.

((Part) of Ord. passed 9/25/80: prior code 22-35-7)

6. Tree/Vegetation Protection During Construction and Grading Activities.
- a. Limits of disturbance as established in accordance with the provisions of Section 19.72.040 shall be shown on the final plans for development and shall be clearly delineated on site with fencing or other materials or methods approved by the Development Services Director prior to the commencement of excavation, grading, or construction activities on the site.
  - b. Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone. (see 19.72.070 - Significant Trees)
    - 1. For purposes of this subsection, the drip zone is calculated by measuring the diameter of the tree at breast height. Every inch of tree trunk diameter, for example, equates to one foot of drip zone.
    - 2. No construction, grading, equipment or material storage, or any other activity shall be allowed within this area, and the fencing shall remain in place until all land alteration, construction, and development activities are completed.
  - c. If it is necessary to fill over the root zone, compacted soils shall be avoided by sandwiching fabric, rocks and more fabric under the area to be filled.
  - d. Fill placed directly on the roots shall not exceed a maximum of six (6) inches in depth.
  - e. If fill creates a tree well or depression around a tree or shrubs, such area shall be drained so that the vegetation is not drowned by the pooling of rainfall or irrigation.
  - f. If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost. Roots shall be pruned cleanly prior to digging and not ripped off by heavy equipment. Cutting more than 30% of the roots endangers the health of the tree, and over 40% affects the tree's stability.
  - g. Utility trenches near trees should be avoided. If a line must be near a tree, tunneling, auguring, or other mitigation measures shall be used.

I. Natural Hazards.

All development in the Foothills and Canyons Overlay Zone shall comply with the requirements and standards set forth in Chapter 19.75, "Natural Hazard Areas." A natural hazards report required by Chapter 19.75 may be combined with any of the plans and reports required by the provisions of this Chapter, including geotechnical, slope, and grading reports. The County Geologist shall review all natural hazards reports and submit his recommendations in writing to the Development Services Director or Planning Commission prior to final action on the site plan for development.

J. Stream Corridor and Wetlands Protection.

1. Purposes. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide.

2. Boundary Delineation.

Unless previously delineated by Salt Lake County, boundaries for stream corridors and wetland areas shall be delineated according to the following provisions:

- a. Stream corridor and wetland area delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. Delineations shall be subject to the approval of the Development Services Director.
- b. Stream corridors shall be delineated at the ordinary high-water mark as defined in Section 19.72.070 below. Stream corridors shall not include ephemeral streams or ditches that are commonly known to be irrigation ditches and that do not contribute to the preservation and enhancement of fisheries or wildlife.
- c. Boundary delineation of wetlands shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the U.S. Soil Conservation Service. Subsequent revisions of the Federal Manual shall not be incorporated into this delineation methodology. Although the Federal Manual may change in the future, the County will use this referenced manual as a basis for wetland determination.

3. Prohibited Activities. No person shall engage in any activity that will disturb, remove, fill, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks as set forth below, except as may be expressly allowed in this Chapter.
4. Minimum Setbacks. Except where the City of Salt Lake, pursuant to its recognized extraterritorial jurisdiction, has defined a greater setback from watershed resources (including stream corridors and wetland areas), the following minimum setbacks shall be required:
  - a. Stream Corridors. All buildings, accessory structures, leach fields, and parking lots shall be set back at least one hundred (100) feet horizontally, (plan view) from the ordinary high-water mark of stream corridors.  
( See Figure 12 )

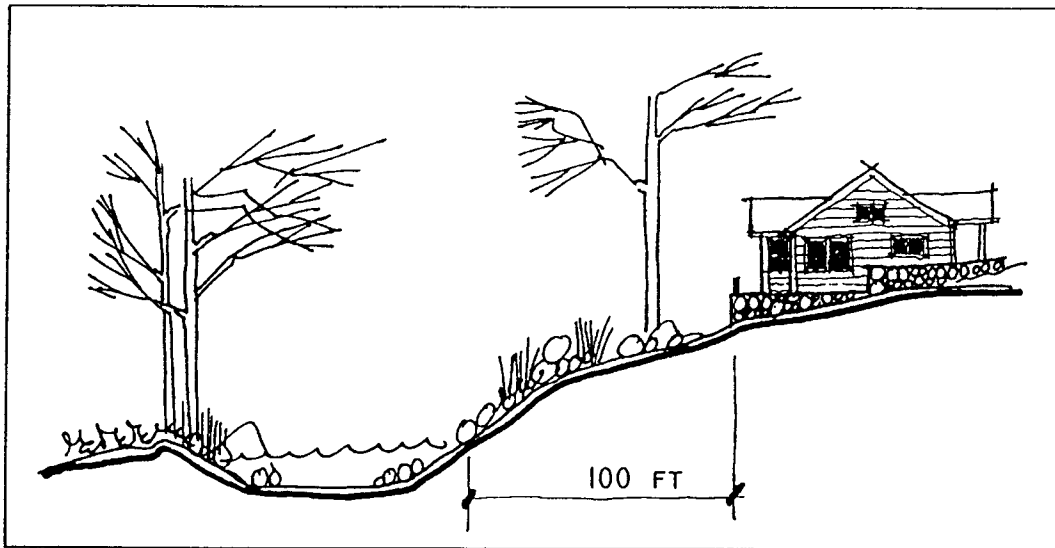


Figure 12. Setback from Stream Corridor

- b. Wetlands. All buildings, accessory structures, leach fields, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
  - c. Open Space/Landscaping Credit for Setback Areas. All setback areas shall be credited toward any relevant private open space or landscaping requirements, but shall not be credited toward trail access dedication requirements.

5. Ephemeral Streams--Prohibited Activities. Development shall not be permitted within the channel of an ephemeral stream, as defined by its ordinary high water mark, except that the Planning Commission upon the recommendation of the Development Services Director may grant waivers or modifications from this prohibition upon a finding that the development will have no adverse environmental impacts, or that such impacts will be substantially mitigated.
6. Preservation of Vegetation. All existing vegetation within the stream corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening or to repair damaged riparian areas, supplemented with additional native or adapted planting and landscaping.
7. Bridges. The construction of bridges over a stream corridor and within the stream setback area is permitted provided such bridges are planned and constructed so as to minimize impacts on the stream corridor.  
( See Chapter 17, Flood Control & Water Quality, §17.08.090 )  
"Replacement & New Bridge & Culvert Design Criteria,"  
( See also Chapter 19.73 "Foothills & Canyons Site Development and Design Standards:" - §19.73.080.C. - "Bridges for Stream Crossings"

K. Wildlife Habitat Protection

1. Intent and Purpose. Salt Lake County finds that its foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. As a result of past development activities, many habitat areas have been significantly impaired, altered, fragmented, and in some cases destroyed. In combination with the tree/vegetation and stream corridor/wetlands protection standards set forth above, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.
2. Applicability. The requirements of this subsection shall apply to development on real property in the Foothills and Canyons Overlay Zone that contains wildlife habitats designated as "critical summer/winter [value] use," as shown on the Salt Lake County Wildlife Habitat Maps, as amended, on file with the Salt Lake County Planning Division.
3. Development Limitations in Areas of Critical Habitat. All development subject to this subsection shall, to the maximum extent feasible, incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:



- a. Maintain buffers between areas dominated by human activities and core areas of wildlife habitat, with more intense human activities, such as automobile and pedestrian traffic, relegated to more distant zones away from the core habitat areas.
- b. Facilitate wildlife movement across areas dominated by human activities by:
  - 1. Maintaining connections between open space parcels on adjacent and near-by parcels;
  - 2. Locating roads and recreational trails away from natural travel corridors used by wildlife such as riparian areas;
  - 3. Minimizing fencing types that inhibit the movement of wildlife species; and
  - 4. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas (for example, by retaining or planting native vegetation and trees around a house or accessory structure).
- c. Mimic features of the local natural landscape in developed areas by:
  - 1. Retaining pre-development, high-quality habitat to the maximum extent feasible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
  - 2. Minimizing levels of disturbance to trees, the understory, and other structural landscape features during construction;
  - 3. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation; and
  - 4. Enhancing the habitat value of degraded pre-development landscapes with selective plantings.

4. Referral Requirements and Planning Commission Action.

- a. Site development plan applications subject to this subsection shall be referred to the Utah Division of Wildlife Resources for review, comment, and recommendations. The Utah Division of Wildlife Resources' comments and recommendations shall be incorporated into the staff report or in some other way transmitted in writing to the Development Services Director (for permitted uses) or to the Planning Commission ( for conditional uses and subdivisions ) prior to final action on submitted proposals.
- b. The Development Services Director and Planning Commission shall give special consideration to wildlife habitats that are determined by the Utah Division of Wildlife Resources in their review to be of unique or critical value, and may require project modifications or special conditions recommended to mitigate impacts on critical wildlife habitat.
- c. The Planning Commission may deny a development proposal if it finds that the proposed development will have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated.
  1. Permitted Uses. If the Development Services Director finds that a proposal for a permitted use may have significant adverse impacts on critical wildlife habitat that cannot be adequately mitigated, the site development plan shall be referred to the Planning Commission for final action.
  2. Definition. For purposes of this subsection, "significant adverse impact on critical wildlife habitat" means elimination, reduction, and/or fragmentation of wildlife habitat to the point that viability of an individual species is threatened in the County and the diversity of wildlife species occurring in the County is reduced.

L. Site Development and Design Standards.

In addition to the development standards set forth in this section, all residential and commercial development within the Foothills and Canyons Overlay Zone shall comply with the development design standards set forth in Chapter 19.73, "**Foothills and Canyons Site Development and Design Standards.**" To the extent that standards in Chapter 19.73 conflict with the requirements set forth in this Chapter, the more restrictive provision shall apply.

M. Traffic.

1. Impact Study Required. Unless waived, a traffic and parking impact study shall be required as part of the site development plan application for the following developments in the Foothills and Canyons Overlay Zone:
  - a. All residential development that creates a projected increase in traffic volumes equal to or greater than 10% of current road/street capacity as determined by the Salt Lake Public Works engineer.
  - b. All non-residential development that creates a projected increase in traffic volumes equal to or greater than 50 trip-ends per peak hour.
  - c. All development that affects a roadway identified by the Public Works Engineer as having an unacceptable level of service (LOS).
2. Impact Study—Contents. A traffic and parking impact study shall address, at a minimum, the items specified in the “**Submittal Requirements for Development Proposals in the Foothills and Canyons Overlay Zone,**” which document is hereby incorporated by reference.
3. Standard of Review. All development subject to this subsection shall demonstrate that the peak hour levels of service on adjacent roadways and at impacted intersections after development shall comply with current Salt Lake County transportation and impact mitigation policies.
4. Access Management Plan Required. All development required by this subsection to submit an impact study shall also provide an overall access management plan to ensure free-flowing access to the site and avoid congestion and unsafe conditions on adjacent public roads and streets. The access management plan shall be combined with the required traffic and parking impact study.

**19.72.040 Establishment of Limits of Disturbance**

- A. Establishment of Limits of Disturbance. For every development subject to this Chapter, the Development Services Director shall establish “limits of disturbance” that indicate the specific area(s) of a site in which construction and development activity must be contained. For single-family residential development, limits of disturbance shall include that area required for the principal structure, an accessory structure(s), utilities, services, drainage facilities, and a septic tank. Areas required for driveways and leach fields are not included.  
( See Figures 13-15)



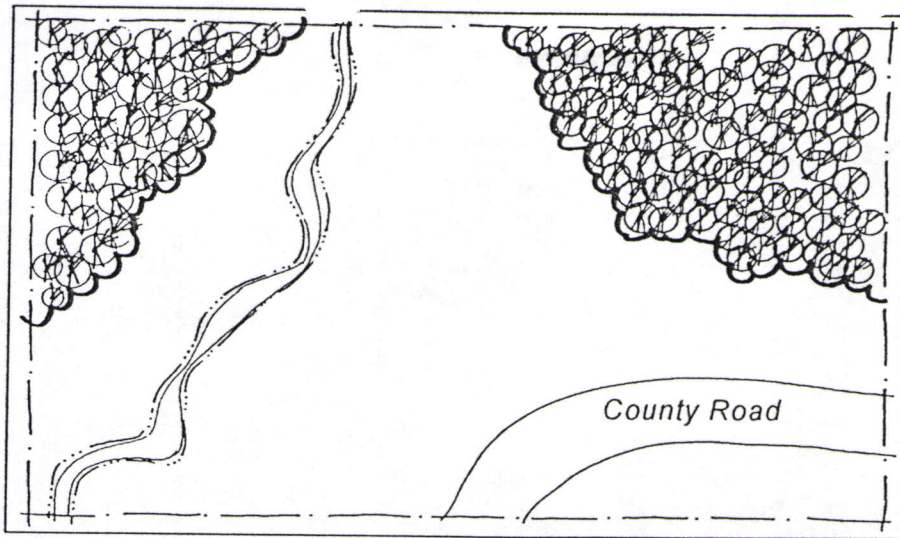


Figure 13. Existing Site.

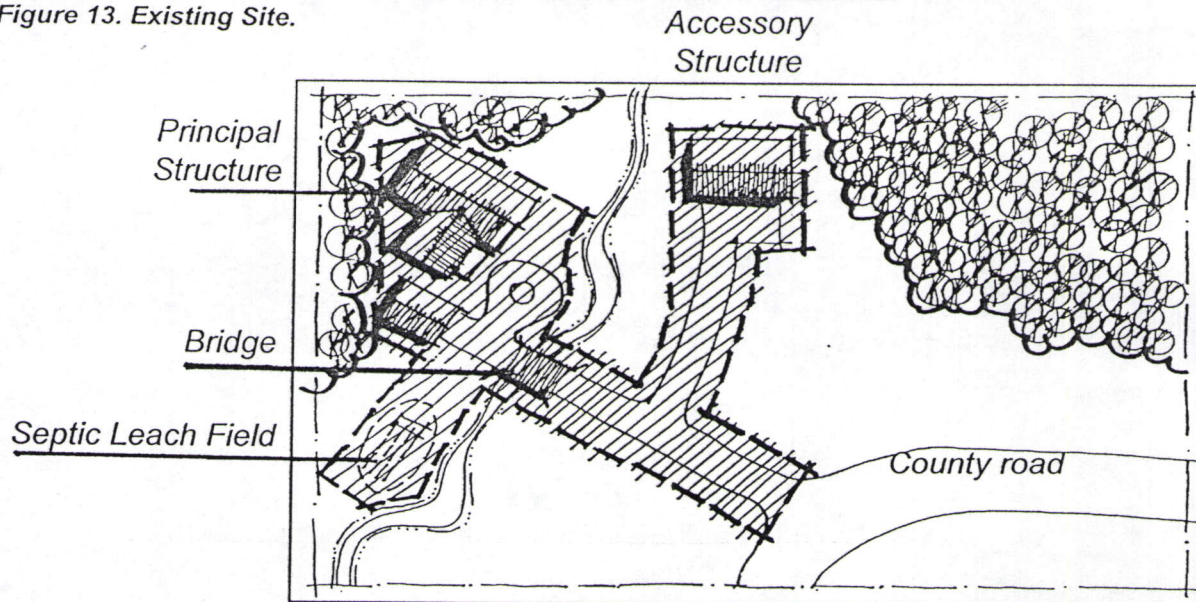


Figure 14. Excessive Establishment of Limits of Disturbance

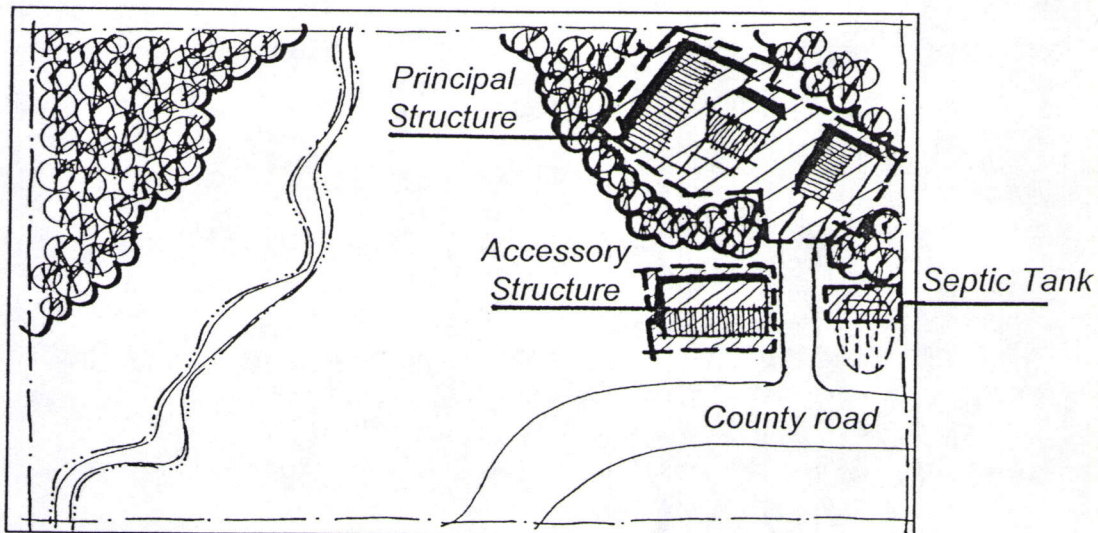


Figure 15. Appropriate Establishment of Limits of Disturbance

- B. Criteria for Establishing Limits of Disturbance. In establishing limits of disturbance, the following criteria and standards shall be considered and applied:
1. Minimize visual impacts from the development, including but not limited to screening from adjacent and downhill properties, ridgeline area protection, and protection of scenic views.
  2. Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels.  
(See §19.72.030.B., "Slope Protection Standards,") and  
(§19.72.030.L., "Site and Building Design Standards.")
  3. Fire prevention and safety, including but not limited to location of trees and vegetation near structures.  
(See §19.72.030.H.3., "Wildfire Hazards and Tree/Vegetation Removal.")
  4. Preservation of significant trees or vegetation.  
(See §19.72.030.H., "Tree and Vegetation Protection.")
  5. Conservation of water including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
  6. Wildlife habitat protection, including but not limited to preservation of critical wildlife habitat and identified migration corridors and routes.  
(See §19.72.030.K., "Wildlife Habitat Protection.")
  7. Stream corridor and wetland protection and buffering.  
(See §19.72.030.J., "Stream Corridor and Wetlands Protection.")
  8. Preservation of the maximum amount of the site's natural topography, tree cover, and vegetation.
- C. Zero Lot Lines Allowed. Where appropriate to preserve or to protect steep slopes or other natural features, a structure may be located on a lot in such a manner that one or both of the side facades of a structure rest directly on a lot line. This provision shall not be interpreted to exempt a structure from any applicable building and fire code provisions or requirements.
- D. Limits of Disturbance May Be Non-Contiguous. Limits of disturbance necessary to accommodate proposed development may be non-contiguous in order to best meet the criteria and standards set forth in this section. (See Figures 13-15)

- E. Clustering. Clustering of building pads and parking areas within a building site is strongly encouraged and may be required to minimize the size of the limits of disturbance and to maintain the maximum amount of open space in the development. ( See Figures 14 and 15)
- F. Maximum Limits of Disturbance.

1. Single-Family Residential Uses. For lots or parcels less than 1.0 acre in size, the limits of disturbance for an individual single-family use and any accessory structure shall not exceed ten thousand (10,000) square feet, unless:
  - a. Significant existing site vegetation is retained, or
  - b. Remedial revegetation and land reclamation improvements which substantially advance the purposes of this Chapter have been proposed and will be implemented on the site in accordance with a revegetation and land reclamation plan reviewed and approved by the Development Services Director.

In such cases, the limits of disturbance for lots or parcels less than 1.0 acre in size may be increased up to but not to exceed 15,000 square feet.

For lots or parcels 1.0 acre in size or greater, the limits of disturbance for an individual single-family use and any accessory structure shall not exceed 12,000 square feet unless the aforementioned conditions ( retention of significant existing site vegetation or submittal and implementation of an approved revegetation and land reclamation plan ) are provided, in which case the limits of disturbance may be increased up to but not to exceed 18,000 square feet.

2. All other Land Uses. The maximum limits of disturbance, including parking areas and accessory buildings and structures, shall be determined on a case-by-case basis. Areas for leach fields constructed in connection with an on-site sewer system shall not be included in the determination of limits of disturbance, but must be revegetated with native vegetation in accordance with State regulations for individual wastewater systems.

### **19.72.050 Approval Procedure for Development in the Foothills and Canyons Overlay Zone**

- A. Purposes. The purpose of the approval procedures set forth in this section is to ensure compliance with the zoning standards and provisions of this Chapter and all other applicable ordinances and codes, while encouraging quality development in the foothills and canyons reflective of the county's goals, policies, and objectives set forth in this Chapter, the Wasatch Canyons Master Plan, and other applicable community plans.



- B. Applicability. All development proposed in the Foothills and Canyons Overlay Zone is subject to the site development plan approval procedures set forth in this section. No development or construction activity, including tree/vegetation removal and grading, or subdivision of land, shall occur on property subject to this Chapter until a site development plan has been approved.
1. Permitted uses. Site development plans for uses permitted by the underlying zone may be finally approved by the Development Services Director upon substantiation of compliance with the Zoning standards and provisions of this Chapter and all other applicable ordinances and codes.
  2. Conditional Uses. Site development plans for conditional uses shall be submitted in a form that satisfies the requirements of both this Chapter and the conditional use provisions (Chapter 19.84) of this Title and shall be subject to final approval by the Planning Commission pursuant to the process set forth in this section.
  3. Subdivisions. Site development plans for subdivisions shall be submitted in a form that satisfies the requirements of both this Chapter and the subdivision provisions of Title 18 and shall be subject to the same review and approval process as set forth therein.
- C. Preapplication Meeting. A preapplication meeting with the Development Services Director is required prior to submitting a site development plan application. The purposes of the preapplication meeting are:
- a. to provide an opportunity for the County to explain the site development plan review and approval process;
  - b. to discuss the proposed development of the site and its relationship to site conditions and area characteristics;
  - c. To describe applicable provisions of this Chapter and other codes and ordinances; and
  - d. To clarify the scope of submittal requirements;
1. Attendance. In addition to the Development Services Director, other County participants in the preapplication meeting may include the County Geologist, the

Planning Director, representatives from the City-County Board of Health, and any other person or entity the County deems appropriate.

2. Request for a Preapplication Meeting. To request a preapplication meeting, the applicant shall submit a request on a form approved by the Development Services Division, together with any reasonable fee and materials that the Development Services Division deems necessary. The materials and form submitted for the preapplication meeting shall not be considered an application for site development plan approval.
3. Scheduling. Upon submittal of the applicant's form and materials, the development proposal shall be scheduled for consideration and discussion at the next regularly-scheduled preapplication meeting.

D. Application for Site Development Plan Approval.

1. Submittal Requirements. Upon conclusion of the preapplication meeting process the applicant shall submit an application form, together with the maps, plans, and reports described in the document entitled "**Submittal Requirements for Development in the Foothills and Canyons Overlay Zone,**" incorporated herein by reference, and any applicable fees, to the Salt Lake County Development Services Division. In the event a waiver from this Chapter's slope protection standards for lots of record is being requested ( see Section 19.72.060.A.), then such request shall also be filed with the application. All submitted materials shall be available for public review.
  - a. Waiver/Modification of Analysis and Study Requirements. If, as a result of the preapplication meeting assessment of the development proposal and any site field inspections that may have been conducted, the Development Services Director determines that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development are such that a full and adequate analysis of the development may be conducted without requiring all of the materials referenced in Section 19.72.050.D.1 above, then such materials as are determined to be unnecessary for the analysis may be waived or modified by the Director.
  - b. Corrections and Additional Information Requirements. The Development Services Director or, in the case of conditional uses or subdivisions, the Planning Commission may require correction of any submitted information found to be in error. Additional information as may be necessary to

substantiate compliance with the provisions and standards of this Chapter and other applicable Codes and ordinances may also be required.

- c. Incomplete Applications. Applications that do not meet the submittal requirements as set forth in this Chapter shall not be accepted.
2. Acceptance of Applications. The Development Services Director shall assess submitted applications with respect to their compliance with the “**Submittal Requirements for Review of Development Proposals in the Foothills and Canyons Overlay Zone,**” either in whole or as modified as authorized herein, and notify the applicant in writing either of the adequacy and acceptance of the application or of the specific deficiencies or errors in the submitted materials that need to be provided prior to acceptance.
3. Staff Review. Upon acceptance of a complete application package, the Development Services Director shall review the development proposal and document the assessment process and its conclusions through the preparation of a written staff report describing the extent to which the proposed development, as submitted, complies with the standards and criteria set forth in Section 19.72.050.F. below and in other applicable County and State ordinances and codes. The report shall also specify all areas of noncompliance together with such modifications and conditions of approval as may be necessary to incorporate into the development to bring it in to full compliance , if possible, with applicable code and ordinance requirements and to mitigate identified impacts. Inability to achieve compliance with applicable standards and criteria shall warrant denial of the proposal as submitted.
  - a. Technical and Outside Agency Assistance. In making a determination on a site development plan application, the Development Services Director may seek technical and policy recommendations from other public agencies with legal jurisdiction over matters affecting or affected by the proposed development, such as, but not limited to, the City-County Board of Health; Utah Division of Wildlife Resources; Utah Division of Forestry, Fire, and State Lands; U.S. Forest Service; and U.S. Soil Conservation Service.
  - b. Failure to complete and document the assessment process regarding the development’s compliance with applicable regulations and standards shall not be deemed to be approval.

4. Development Services Director Consideration and Action on Site Development Plans for Permitted Uses. Upon completion of the review and report on an application for site development plan approval for a permitted use, the Development Services Director shall take final action on the proposal as submitted.
  - a. The Development Services Director shall take one of the following actions, based on application of the standards for review set forth in Section 19.72.050.F. below:
    1. Approve the application, either as originally proposed or as modified by mutual agreement through the development review process ;
    2. Approve the application with such reasonable conditions and safeguards as are necessary to implement the purposes of this Chapter and Title, subject to §19.72.050.D.8., "Compliance with Conditions of Approval," below; or
    3. Deny the application on the basis of specific findings communicated to the applicant in writing.
  - b. Notice. The Development Services Director shall notify an applicant in writing of the final disposition on an application for site development plan approval for a permitted use.
  - c. Appeals from Development Services Director Action. Appeals of a decision of the Development Services Director on an application for site development plan approval for a permitted use shall be filed in accordance with the procedures set forth in Section 19.92.050 of this Title.
5. Development Services Director Consideration and Recommendation on Site Development Plans for Conditional Uses and Subdivisions. Upon completion of the review and report on an application for site development plan approval for a conditional use or subdivision, the Development Services Director shall forward the request, together with a recommendation for final action, to the Planning Commission.
6. Planning Commission Consideration and Action on Site Development Plans for Conditional Uses and Subdivisions. Upon receipt of the Development Services Director's staff report and recommendation, the Planning Commission shall review

the application, site development plan, and related materials and make a final decision on the proposal.

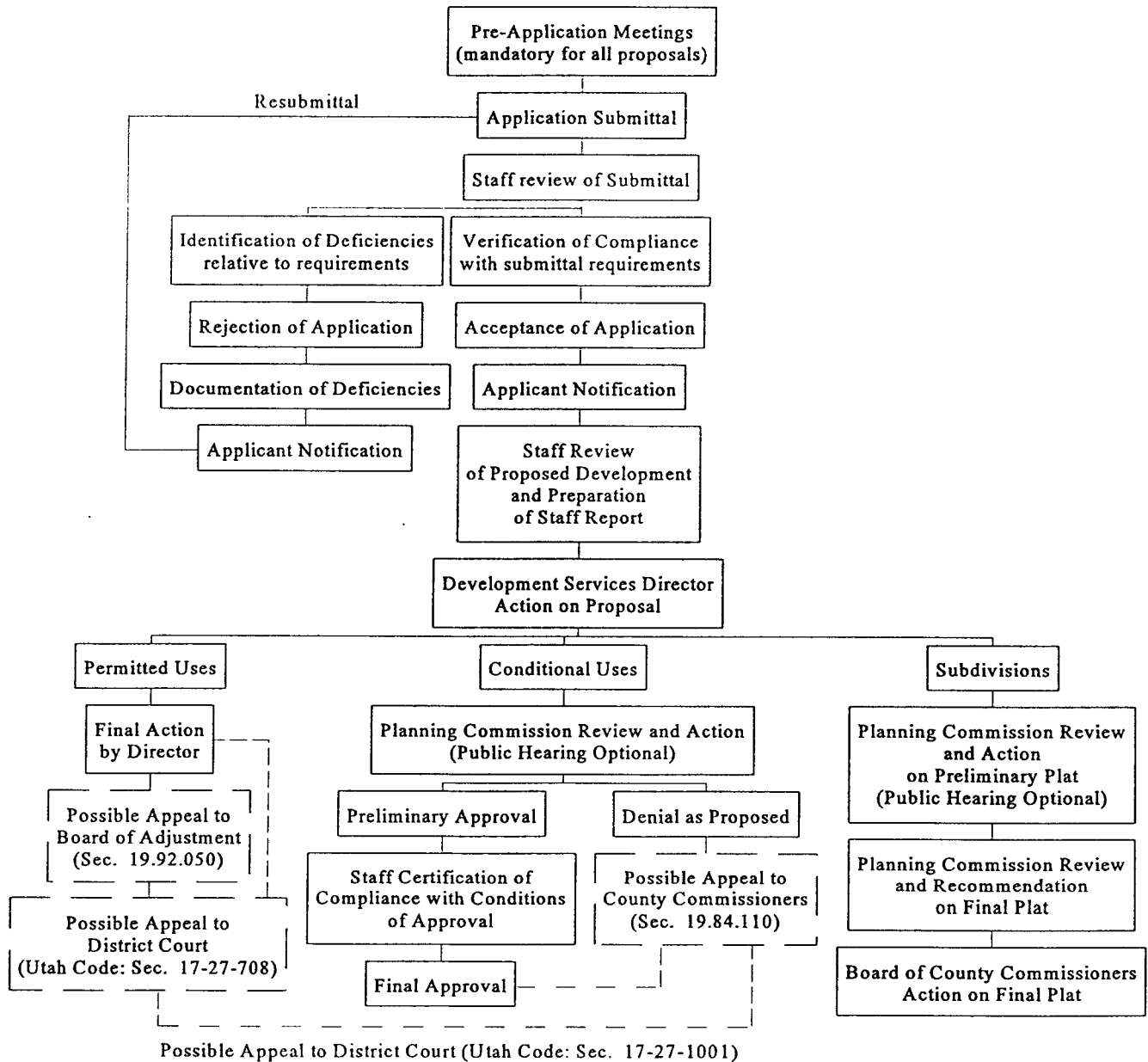
- a. The Planning Commission shall take one of the following actions, based on application of the standards for review set forth in Section 19.72.050.F. below:
    1. Approve the application, either as recommended by the Development Services Director or as further modified by mutual agreement with the applicant during the Planning Commission's deliberations;
    2. Approve the application with such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and Title, subject to §19.72.050.D.8., "Compliance with Conditions of Approval," below; or
    3. Deny the application on the basis of specific findings communicated to the applicant in writing.
  - b. Optional Public Hearing. Where the Planning Commission finds that the size, complexity, projected impacts, proximity to conflicting land uses, or any other aspects of the proposed development may raise issues of particular concern to the general public and welfare, the Planning Commission may hold a public hearing pursuant to public notice to inform the public and obtain comment prior to taking action on a proposed site development plan. Notice shall be given pursuant to §19.84.040.D. of this Title.
  - c. Notice. The Development Services Director shall notify an applicant in writing of the Planning Commission's final action on an application for site development plan approval for a conditional use or subdivision
7. Appeals from Planning Commission Action. Appeals may be made by any party aggrieved by the decision of the Planning Commission on an application for site development plan approval. All such appeals shall be to the Board of County Commissioners pursuant to the procedures set forth in §19.84.110 of this Title. The County Commissioners shall apply the review standards set forth in §19.72.050.F. below in determining an appeal.

8. Compliance with Conditions of Approval.

- a. Preliminary Approval Only. If the Director of Development Services, Planning Commission, or Board of County Commissioners on appeal, condition approval of a site development plan application upon receipt of additional information, amendments, or other actions, the decision-maker's action shall be considered only a preliminary approval of the site development plan application.
- b. Final Approval Upon Satisfaction of Conditions. Except as specified in paragraph d. of this subsection below, the Development Services Director is authorized to grant final approval of the site development plan application only after all of the conditions and requirements of the preliminary approval have been met and satisfied. Where the conditions require the applicant to obtain necessary County or State permits, the applicant's failure to comply shall result in a denial of the site development plan. A determination that the applicant has complied with all conditions shall, together with the amended plan, constitute final site development plan approval. The Development Services Director shall, in either event, notify the applicant in writing of the final disposition of the request.
- c. Failure to Comply with Conditions of Preliminary Approval -- Appeal.
  1. If the Development Services Director's determination is that the applicant has not substantially complied with all of the required conditions of approval for a conditional use or subdivision, the site development plan application shall be denied and any subsequent applicant revisions or modifications shall be considered a new application subject to all the requirements and procedures herein.
  2. The applicant may appeal the compliance determination of the Development Services Director on a conditional use or subdivision to the Planning Commission pursuant to the procedure set forth in Section 19.84.100 of this Title.
- d. Planning Commission Consideration of Final Approvals. The Planning Commission may require as a condition of preliminary approval that a site development plan application be brought back before the Commission for final consideration and approval.



E. Flow Chart of Site Plan Approval Process



F. Standards for Review.

The following standards shall be utilized in the consideration of and subsequent action on applications for site development plan review and approval. Failure to comply with any of the following shall constitute sufficient grounds for denial of a development subject to the provisions of this Chapter.

1. The development shall be consistent with the purposes and intent of this Chapter, and with the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons Master Plan, the Salt Lake County Regional Trails Plan, and applicable Community General Plans, as such plans are amended from time to time.
2. The development complies with the requirements set forth in §19.72.030, "Development Standards," of this Chapter, except to the extent modifications and waivers have been expressly granted.
3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the State of Utah, including but not limited to water quality and wastewater regulations.
4. Construction, grading, and development activities are restricted to limits of disturbance that comply with the standards and criteria set forth in §19.72.040, "Establishment of Limits of Disturbance," of this Chapter.

G. Time Limit and Effect of Site Development Plan Approval.

1. Construction in Compliance with Approved Site Development Plan and Conditions of Approval Required. A building permit issued pursuant to this site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. Valid for Two Years. An approved site development plan shall be valid for a period of twenty-four (24) months from the date of the Development Services Director's or Planning Commission's action granting final approval.
3. Issuance of Building Permit within Two-Year Period. A building permit may be obtained at any time within the twenty-four (24) month period. If a building permit is not timely issued within the two-year period, approval of the site plan shall automatically lapse and be null and void.

4. Extensions of Time.

- a. Phasing. A building permit issued for any phase of a development that has received site development plan approval pursuant to this Chapter shall extend the life of the site development plan for the entire development for an additional twenty-four (24) months from the date of issuance of the building permit. If any successive twenty-four (24) month period expires before a building permit is issued for a subsequent phase or phases, then the site development plan approval shall automatically lapse and be null and void as to all undeveloped or unbuilt phases of the development.
- b. Other Extensions. A twelve (12) month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to 1.0 times the original filing fee for the site plan application.  
(Part) of Ord. passed 9/25/80: prior code 22-35-10)

**19.72.060 Administration and Enforcement**

A. Waiver of Slope Protection Standards for Lots of Record.

1. Subject to the conditions set forth in paragraph 2. below, the Planning Commission may waive or modify the following standards as applied to development on lots of record and in subdivisions that were approved prior to the effective date of this ordinance:
  - a. Slope Protection Standards regarding prohibition of development on slopes greater than thirty (30) percent or in ridgeline protection areas, as set forth in §19.72.030.B. or
  - b. Limitations on the crossing of slopes greater than thirty (30) percent with any street, road, private access road or other vehicular route, as addressed in §19.72.030.D.3.-4.
2. The Planning Commission may waive or modify the aforementioned standards only upon substantiation of compliance with the following findings:
  - a. Strict compliance with the slope protection standards in §19.72.030.B. or in §19.72.030.D.3.-4. would render the site completely undevelopable ; or

- b. Strict compliance with the slope protection standards in §19.72.030.B. or in §19.72.030.D.3.-4. would result in a substantial economic hardship (as defined in §19.72.070) not created by the applicant or otherwise self-imposed; and
    - c. The development conforms with all other development, site design, and environmental standards set forth in this Chapter, in Chapter 19.73, **"Foothills and Canyons Site Development and Design Standards,"** and in all other applicable ordinances and codes.
  3. Notwithstanding its discretion to grant waivers for lots of record from the slope protection standards set forth in this Chapter, in no case shall the Planning Commission permit development other than roads on slopes greater than forty (40) percent.
  4. In granting a waiver from or modification of the slope and ridgeline protection standards set forth in §19.72.030.B. of this Chapter, the Planning Commission may impose such conditions as are reasonable and appropriate to mitigate the impacts of the proposed development on adjacent properties and area characteristics. Such conditions may include, for example, but are not limited to, a reduction in the maximum building height otherwise permitted by the underlying zone (e.g., a reduction to 20 feet from the 30 feet maximum building height permitted in the F.R. zone.)  
( See Ord. 966 5, 1986: (part) of Ord. passed 9/25/80: prior code 22-35-11)
- B. Administrative Modification of Standards Allowed. In establishing the limits of disturbance for developments subject to this Chapter, the Development Services Director shall have the discretion to modify the following development standards up to a maximum of twenty-five (25) percent, or greater if specifically permitted by this subsection.
  1. Minimum lot area requirements, as set forth in §19.72.030.A. of this Chapter. Additionally, modifications of greater than twenty-five (25) percent may be approved by the Planning Commission pursuant to the clustering provisions of §19.72.030.A.5.
  2. Driveway access standards, as set forth in §19.72.030.E.
  3. Tree and vegetation protection standards, as set forth in §19.72.030.H.
  4. Perennial stream corridor and wetlands setbacks, as set forth in §19.72.030.J. and §19.73.080.B., except that greater modifications may be permitted as follows:

- a. Modifications of up to fifty (50) percent may be allowed where strict application of these setback standards would render a site undevelopable, provided that all other Federal, State, and County laws are complied with.
- b. For renovations, alterations, or expansions of a building or structure legally existing on the effective date of this ordinance, modifications exceeding twenty-five (25) percent of the required stream corridor setback may be allowed by the Planning Commission, provided the applicant shows the following:
  1. No alternative location for the development that is further from the stream is feasible or available, and
  2. The renovation, alteration, or expansion does not increase the gross floor area of the original, existing building or structure by more than fifty (50) percent, and
  3. The applicant shows that creative architectural or environmental solutions can be applied and used to achieve the purposes of stream corridor protection as set forth in this Chapter.
5. Site and building design standards, as set forth in §19.72.030.L.

The Development Services Director may only modify the aforementioned standards upon substantiation of compliance with the following findings:

- a. strict application of the standard(s) would render a site undevelopable; or
- b. modification would result in less visual impact, more effective preservation of existing mature trees, vegetation and riparian areas, or protection of wildlife habitat.

In no case shall the modification cause the maximum limits of disturbance set forth in §19.72.040.F. to be exceeded. Appeals of decisions on modifications shall be addressed as set forth in Section 19.84.100 or Section 19.92.050 of this Title., as applicable.

- C. Violations/Penalties for Unauthorized Land Disturbance and Tree/Vegetation Removal. Any applicant, whether as principal, agent, employee, or other, who violates the provisions of this Chapter by removing trees or vegetation or exceeding the prescribed limits of disturbance shall be guilty of a misdemeanor and punishable as provided by law and/or shall be subject

to civil penalties as provided by law. Such applicant who violates this Chapter shall be deemed to be guilty of a separate offense for each and every day during which any violation of this Chapter is committed, continued, or permitted by such person. In addition, any applicant violating the provisions of this Chapter shall replace all trees/vegetation illegally removed pursuant to the standards set forth in §19.72.030.H. above.

- D. Bonds for Improvements. Bonds for improvements required under this Chapter shall be subject to the provisions of the Salt Lake County Subdivision Ordinance set out at Title 18 of this Code, and Section 19.02.110 of this Title.

((Part) of Ord. passed 9/25/80: prior code 22-35-12

## 19.72.070 Definitions

For the purposes of this Chapter, the following terms shall have the following meanings:

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, or any change in the dimensions or configurations of the roof or exterior walls, as well as any change in doors, windows, means of ingress or egress, or any expansion or diminution of a building or structure.

Building site. A space of ground occupied or to be occupied by a building or group of buildings.

Caliper. A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk 6 inches above the ground for up to and including 5-inch caliper size, and 12 inches above the ground for larger trees.

Cartway. The paved area of a street between the curbs, including travel lanes and parking areas, but not including shoulders, curbs, sidewalks, or swales. If curbs are lacking and parking is restricted to shoulders, the cartway is defined as the travelway (exclusive of shoulders).

Clustering means a development or subdivision design technique that concentrates buildings or lots on a part of the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally sensitive areas.



Driveway. A private area used for ingress and egress of vehicles, which may be paved or unpaved, and which allows access from a street or road to a building or other structure or facility, provided such private area is used by:

- (1) No more than two (2) residential units; or
- (2) No more than two principal non-residential uses provided such uses together do not exceed 25,000 square feet in gross floor area.

Engineering Geologist. A geologist experienced in the application of geologic knowledge and principles in order to evaluate naturally occurring rocks and soils for use in development. Training and expertise minimums are a four-year degree in geology and three years of direct working experience.

Expansion. An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

Fence. A structure erected to provide privacy or security that defines a private space or is used to constrain domestic animals.

Geotechnical Engineer. An engineer experienced and knowledgeable in the practice of soils engineering (the application of the principles of soils mechanics). Registration in Utah and a minimum of three years experience in the geotechnical industry are minimum requirements.

Grading. Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

Impermeable Coverage. Means those portions of a lot that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of Storm water such as paving and driveways.

Landscape Architect. A design professional licensed by the State of Utah to render or offer any of the following services:

- a. production of a site plan which may include the design of sprinkler irrigation systems, landscape grading and drainage plans, or parking lots;
- b. design of retaining walls, raised platforms, decks, and walkways incidental to the production of a site plan; or
- c. design of covered pavilions, gazebos, restrooms, storage and maintenance facilities, and other accessory structures incidental to the production of a site plan when the structure does not exceed 1,000 square feet.

Limits of Disturbance mean the area(s) in which construction and development activity must be contained, including development and construction of the principal building and permitted accessory structures, play areas, and on-site septic tanks, utilities, drainage, and other services.

Maximum Extent Feasible. Means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Open Space. Any area of a lot that is completely free and unobstructed from any man-made structure or parking areas.

Ordinary High Water Mark. Means the line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

Overlay Zone. A zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

Planning Commission shall mean the county-wide planning commission established pursuant to Chapter 19.05 of this Zoning Ordinance and, where applicable, a township planning commission established pursuant to the ordinances, rules, and regulations of Salt Lake County.

Qualified Professional. Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Renovation. See "alteration."

Retaining Wall. A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

Ridgeline Protection Area. Means an area consisting of a prominent ridgeling that is highly visible from public rights-of-way or trails, and that includes the crest of any such designated prominent hill or slope, plus the land located within one-hundred (100) feet horizontally (map distance) on either side of the crest.

Significant Trees. Large trees of six (6) inch caliper or greater, groves of five (5) or more smaller trees, or clumps of oak or maple covering an area of fifty (50) square feet to the drip lines.

Site Plan. An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development, including but not limited to: topography; vegetation; drainage; flood plains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; utility services; structures and buildings; lighting; berms, buffers and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

Slope. The level of inclination from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slopes must cover at least twenty-five (25) feet vertically and fifty (50) feet horizontally.

Stream, Ephemeral. Means those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on U.S.G.S. topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other ephemeral streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (See also "stream, perennial".)

Stream, perennial. Means those streams, excluding ephemeral streams and ditches and canals constructed for irrigation and drainage purposes, that flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (See also "stream, ephemeral".)

Stream corridor. Means the corridor defined by a perennial stream's ordinary high water mark.

Substantial economic hardship. Means a denial of all reasonable economic use of a property.

Trails. Means a type of open space that is a system of public recreational pathways located within unincorporated County for use by the public for walking, biking, and/or horseback riding as designated.

Vegetation. Living plant material including but not limited to trees, shrubs, flowers, grass, herbs, and ground cover.

Zero lot line. Means the location of a structure on a lot in such a manner that one or more of the structure's side facades rest directly on a lot line.